
MANUAL OF INSTRUCTION

July 1996

UTAH DEPARTMENT OF TRANSPORTATION

≡ PART 10 ≡



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GENERAL

10-100.01

AUTHORITY

This Manual has been prepared and approved by the Utah Department of Transportation (UDOT).

10-100.02

PURPOSE

The main purpose of this manual is to define and outline the procedures of Right-of-Way Design. Included is the process from the gathering of base data to the preparation of right-of-way packages, necessary to the acquisition of title to or interests in land required for the construction of a project. This entire process takes place prior to advertisement of the project.

Right-of-Way design includes the preparation of maps, deeds, ownership records, easements, agreements or other designated instruments needed to acquire land, legally, for highway purposes.

10-100.03

SCOPE

The scope of the manual is to call to mind the various aspects in developing the Right-of-Way Design. The manual is not intended to replace accepted survey practices, legal requirements, good judgement or common sense.

Care has been taken to incorporate requirements of the Federal Highway Administration, current Design Standards of the Utah Department of Transportation, and general legal considerations. Users of this manual must keep in mind that referenced regulations and laws may not apply in their entirety.

The Design Process Manual, an independent manual available for use, is a guide for developing and processing an entire highway project. Section 10-145 discusses the subjects of the right-of-way package, distribution, and funding of projects in relation to the Design Process Manual.

Exercise good judgment and common sense in the use of the manual, since each project is unique with inherent problems. The manual does not attempt to give information, rules, or formulas for solving the problems that may arise.

Adhere to required legal requirements in the development of the Right-of-Way Design for a project.

This manual serves as an aid to the designer for the different activities in preparing the Right-of-Way Package. The manual also provides an overview of the full right-of-way process, and the requirements for acquiring or disposing of property for the Utah Department of Transportation or other local governments.

Satisfactory completion of a project from inception to advertising requires a thorough knowledge of the following areas:

1. U.S. Government Surveys
2. Legal aspects of ownership of land or interest in land
3. Title search and title evaluation
4. Surveying principles with special emphasis on property surveys and highway route surveying
5. State Plane Coordinate Systems (Metric)
6. Writing descriptions for parcels of land, and preparation of legal documents
7. Mapping techniques and requirements for right-of-way maps as determined by the Utah Department of Transportation
8. An understanding of roadway design practices and right-of-way design standards
9. A thorough knowledge of Federal Highway Administration's policies and procedures, especially as the policies pertain to right-of-way and roadway design
10. Mathematics

10-100.04

LAYOUT

Standard right-of-way forms in Section 10-1131 are maintained in a separate book. The forms are available on disk in WP 5.1 format at the UDOT Central Office or in each Region Office.

Each form is stored by file name and ready to use, requires input as to the needs of each parcel, and may need some modification depending upon the needs of the deed writer.

10-100.05

UPDATE

An in-place committee exists to revise and supplement the manual as changes occur.

10-100.06

GETTING STARTED

1. Understand and follow UDOT Policies and Procedures. Refer to Section 10-125.
2. Turn to Section 10-126, Work Flow Charts, and study the **Overview Flow Chart** in figure 10-126.01.1, that shows the required phases for the development of projects.
3. Follow the **Right-of-Way Activity** in figure 10-126.02.2.
4. Refer to the **General Table of Contents** or **Appendix A - Alphabetical Index** and select the desired topic in question.
5. Follow the **Right-of-Way Sequence of Operations** shown in Section 10-140.
6. Start the development of right-of-way following the Design Process 08-1.

10-100.07

COORDINATION

During the right-of-way design process, coordinate with effected agencies, such as:

1. Federal Highway Administration
2. Department of Natural Resources
3. County Recorder Offices
4. County Surveyor
5. City Engineer's Offices

6. Bureau of Land Management Offices
7. Bureau of Reclamation
8. Forest Service

10-100.08

GEOMETRIC CONTROL OF LAND LINES

Make or obtain duplicate plan sheets for the right-of-way, when the development of roadway plans include the following: Alignment, topography, pipes, culverts and structures, cut and/or fill slope line information, curve data, and when possible, provide the Utah State Plane Coordinate System (Modified) with its zone, grid, CAF or DAF Factor, and theta angle (grid declination).

10-100.09

CORRELATION OF SURVEYS

Bring together on the right-of-way plans, by a logical and methodical correlation, the following elements:

1. Land lines of the U.S. Survey, or their reestablishment by the County of Jurisdiction
2. Property lines from the recorded legal instruments
3. Right-of-way lines relative to the slope lines
4. Existing access openings
5. Right-of-way lines of existing road systems and railroads
6. Subdivision lines
7. Corporate limits, such as metropolitan areas, forest lands, national and state parks, cemeteries, and mining claims

10-100.10

OTHER CONSIDERATIONS AND STEPS

Determining the true locations of ownerships in reference to the highway and land lines.

Writing of deeds showing the owners, the descriptions needed for highway purposes and area values.

Preparing of summaries.

10-100.11

ABBREVIATIONS AND DEFINITIONS**A. INTRODUCTION**

Definitions are taken from *Acquisition for Right-of-Way* (AASHTO) and from *Definitions of Survey and Associated Terms* by the American Society of Civil Engineers.

B. ABBREVIATIONS

AH	Ahead
BEG	Begin
BK	Back
BLK	Block
BLM	Bureau of Land Management
BOR	Bureau of Reclamation
CAF	Combined adjustment factor (DAF by GAF)
CL	Center line
CORP	Corporation
CP	Contract purchaser
DAF	Datum adjustment factor
DIR	Directory
DSR	Design study report
E	East
EIS	Environmental impact statement
FHWA	Federal Highway Administration
FRTG	Frontage
FT	Feet
GAF	Grid adjustment factor
GP	General partnership
HWY	Highway
IRR	Irrigation
JT	Joint tenant
LL	Limited liability
LP	Limited partnership
L/A	Limited-access
M	Meter
MKR	Marker
MON	Monument
N	North
N/A	No-access
OFF	Office
PC	Point of curve
PL	Property line

POB	Point of beginning
PS&E	Plans, specifications, and estimates
PT	Point of tangent
RC	Reinforced concrete
RD	Road
RDWY	Roadway
REV	Revision
RR	Railroad
R/W	Right-of-way
S	South
SLB&M	Salt Lake Base and Meridian
ST	Spiral to tangent
STA	Station
SUB	Subdivision
T	Trust
TC	Tenants in common
TOPOG	Topography
TS	Tangent to spiral
UDOT	Utah Department of Transportation
UTA	Utah Transit Authority
W	West

C. DEFINITIONS

ABANDONMENT: Cessation of use of right-of-way or activity thereon with no intention to reclaim or use again for high purposes. (Vacation of street)

ABSTRACT OF TITLE: A document showing the condensed history of the title to property, containing portion of all conveyances or other pertinent instruments relating to the estate or interest in the property, and all liens charges, encumbrances and releases.

ACCESS CONNECTION: Any roadway facility by means of which vehicles can enter or leave an arterial highway. Included are intersections at grade, private driveways and ramps, or separate lanes connecting with cross streets or frontage roads.

ACCRETION: The increase of riparian land by the gradual deposit, by water, of solid material, whether mud, sand, or sediment, so as to cause that to become dry land which was before covered with water. The owner of the riparian land acquires title to all additions by means of accretion.

ACCURACY: Degree of conformity with a standard or accepted value.

ACKNOWLEDGMENT: A formal declaration by an individual before some competent public officer declaring it to be his act or deed; usually declared before a notary public.

ACQUIESCENCE: Some act of concurrence by the adjoining owners bearing on the practical location of their common boundary, where the definite, or more accurate position of the line, or lines has not, or cannot be defined by survey, or with the tacit consent of one by not interposing a formal objection to what might be an encroachment by the other, all subject to judicial review as to the legal effect.

ACQUISITION OR TAKING: Process of obtaining right-of-way. Lands obtained by purchase, condemnation, or gift under the law.

ACRE: A measure of land, 160 square rods (4,840 square yards; 43,560 square feet), in whatever shape.

ACRE-FOOT: The volume of water required to cover one acre to a depth of one foot, hence, 43,560 cubic feet; a convenient unit for measuring irrigation water, runoff volume, and reservoir capacity.

ADJACENT: Lying near or close to; sometimes, contiguous; neighboring. Adjacent implies that the two objects are not widely separated, though they may not actually touch, while adjoining imports that they are so joined or united to each other that no third object intervenes.

ADJOINER: Adjoin means to be in contact with; hence the adjoiner is the land in contact with the instant property. When speaking, it is often used to mean the written deed of the adjoiner.

ADJOINING: To lie contiguous to; to be in contact with; to abut upon; sometimes, inaccurately, to be near, or in proximity to.

ADVERSE POSSESSION: The act of an occupant of land in acquiring title against the real owner where possession has been actual, continuous, hostile, visible and distinct for the statutory period. The possession must be actual and exclusive, open and notorious and where the adverse claimant has paid taxes.

AGREEMENT OF SALE: A written contract whereby the purchaser agrees to buy certain real estate and the seller agrees to sell upon terms and conditions set forth therein.

ANNEXATION: The act of attaching, adding, joining, or uniting one thing to another; generally spoken of the connection of a smaller or subordinate thing with a larger or principal thing.

APPRAISAL: An estimate and opinion of value. Usually a written statement of the market value, or value as defined by the appraiser, of an adequately described parcel of property as of a specific date. A conclusion from an analysis of facts.

APPURTENANCE: That which belongs to another thing as principal and passing as incident to it, as a right of way or other easement to land, a right of common to pasture, an outhouse, barn, garden or orchard. In a strict legal sense, land cannot pass as an appurtenance to land.

ASSESSMENT: A levy of tax against property.

ASSIGNEE: The person to whom an agreement or contract is assigned.

ASSIGNMENT: The method or manner by which a right, a specialty or contract is transferred from one person to another.

ASSIGNS: In law, to transfer, or make over to another, especially to transfer to, and vest in, certain persons, called assignees, for the benefit of creditors.

AT GRADE INTERSECTION: An intersection where all roadways join or cross at the same level.

AUXILIARY LANE: The portion of the roadway adjoining the traveled way for parking, speed-change, or for other purposes supplementary to through traffic movement.

AZIMUTH: The angle between true (meridian) north and an object. In surveying it is measured clockwise from the north.

BACKFILL: Material used to replace or the act of replacing material removed during construction; also may denote material placed or the act of placing material adjacent to structures.

BACKSLOPE: That portion of the roadway between the side drainage ditch and the top of cut, usually measured as a ration of horizontal distance versus each foot of increase in elevation, i.e. - 4 to 1 slope.

BARGAIN AND SALE DEED: A deed in which the grantor does not warrant the title in any respect.

BEARING: The direction of one point or object, with respect to another, where the direction of the line is expressed by the acute angle with respect to a reference meridian. The reference direction can be North or South and the meridian may be assumed, grid, magnetic, astronomic or geodetic.

BED OF STREAM: The area within the high-water lines of a stream or river. It is the area which is kept practically bare of vegetation by the wash of the waters of the stream from year to year.

BEDROCK: A stratum of rock in the earth's crust which has been formed in an approximately horizontal position.

BEGINNING, POINT OF: In metes and bounds descriptions the first point of the boundary of the property being described. After passing through the successive courses the description returns "to the point of beginning"

BELT HIGHWAY: An arterial highway for carrying traffic partially or entirely around an urban area or portion thereof.

BENCH MARK: A point of known elevation, usually a mark of some durable material as stone or concrete posts; a bronze plate to serve as a reference point in running a line of levels for the determination of the elevations.

BERM: A horizontal ledge or bench part way up a slope. A longitudinal mound of earth used to deflect water; a dike-like earthen structure formed by materials excavated from a shallow ditch which parallels and adjoins it, used to control surface drainage.

BORROW: Suitable material from sources outside the roadway prism, used primarily for embankments.

BRIDGE: A structure of over a 20 foot span.

CATTLEGUARD: An opening in a fence which is not closed by a gate, but having a ground grill that cattle will not cross.

CENTER LINE OF SECTION: The line connecting opposite corresponding quarter corners or opposite subdivision-of-section corners or their theoretical positions.

CENTER LINE OF STREET: Center line of a street usually applies to the center of a street prior to widening, or closing; i.e., the center line of the original street midway between the sides.

CENTER OF SECTION: The point formed by lines connecting opposite quarter corners in a section of land. It is also called the center quarter corner.

CHAIN: A unit of land measurement - 66 feet, the length of a surveyor's chain.

CHAIN OF TITLE: A chronological list of documents comprising the record history of title of a specific parcel of real estate.

CHORD: A straight line connecting two points on a curve.

CLAIM: A right or title; challenge of property or ownership of a thing which is wrongfully withheld; means by or through which claimant obtains possession or enjoyment of privilege or thing; under land laws, tract of land taken up by preemption or other settler.

CLOUD ON TITLE: An outstanding claim or encumbrance which if valid will impair the owner's title; a judgment or dower interest.

CLOVERLEAF: A four leg interchange with loops for left turns and outer connections for right turns or two way ramps for these turns. A full cloverleaf has ramps for two turning movements in each quadrant.

COMMUNITY PROPERTY: All property acquired by either husband or wife or both during the marriage, except for that acquired by gift, descent and devise, belongs to both as a community and not as an individual.

CONDEMNATION: The process by which property is acquired for highway purposes through legal proceedings under the power of eminent domain.

CONTOUR: A line connecting the points on a land surface having the same elevation. The edge of the water of a lake forms a contour line.

CONTRACT: An agreement between two or more persons, upon a sufficient consideration, to do or not to do a particular thing.

CONTROL OF ACCESS: The condition where the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with a highway is fully or partially controlled by public authority.

CONVEY: To pass or transmit the title to property from one to another; to transfer property or the title to property by deed or instrument under seal. Used popularly in sense of "assign," "sale," or "transfer." Convey relates properly to the disposition of real property, not to personal.

CONVEYANCE: A written instrument which passes an interest in real property from one person to another; may be a deed, mortgage, lease, but not a will.

CORNER: A point of a land boundary, at which two or more boundary lines meet.

COST OF REPLACEMENT: The cost that would be incurred in acquiring an equally desirable substitute property.

COURSE: Bearing of a line; also the bearing and length of a line.

COVENANT: An agreement between two or more persons, by deed, whereby one of the parties promise the performance or nonperformance of certain acts, or that a give state of things does or does not exist.

CROSS CONNECTION: A connecting roadway between two nearby and generally parallel roadways.

CROSS SECTION: A view cutting through the roadway at right angles to the center line showing the relationship of the various components of the roadway.

CUL-DE-SAC: A local street open at one end only and with special provisions for turning around.

CULVERT: Any structure not classified as a bridge which provides an opening under any roadway.

DEAD-END STREET: A local street open at one end only without special provisions for turning around.

DEDICATION: The setting apart by the owner and acceptance by the public of property for highway use, in accordance with statutory or common law provisions.

DEED: A duly attested written instrument, under seal, conveying real property or interest therein.

DEPRECIATION: A loss in value brought about by deterioration through ordinary wear and tear, action of the elements or functional or economic obsolescence.

DESIGN SPEED: A speed determined for design and correlation of the physical features of a highway that influence vehicle operation. It is the maximum safe speed that can be maintained over a specified section of highway when conditions are so favorable that the design feature of the highway govern.

DESIGN VOLUME: A volume determined for use in design, representing traffic expected to use the highway. Unless otherwise stated, it is an hourly volume.

DIAMOND INTERCHANGE: A four leg interchange with a single one-way ramp in each quadrant. All left turns are made directly on the minor highway.

DIRECT COMPENSATION: Payment for land or interest in land and improvements actually acquired for highway purposes.

DIVIDED HIGHWAY: A highway with separate roadways for traffic in opposite directions.

DRAINAGE AREA: The area that will drain to any given selected point.

DRAINAGE DITCH: Any open water course other than gutters, constructed beyond the limits of cut or fill slopes. The depressed area within the roadway given over to the collection and handling of surface drainage within the right-of-way.

DRAINAGE EASEMENT: An easement for directing the flow of water.

EASEMENT: A right acquired by public authority to use or control property for a designated highway purpose. An interest in land consisting of the right to do an act on the land of another. Where the easement is restricted to the use of land, it is appurtenant to the designated land and will pass with a transfer of the land.

EGRESS: Act or right of going out from a place of actual or seeming confinement. A place or means of exit; an outlet.

EMINENT DOMAIN: The power to take property for public use. The right of the people or government to take private property for public use upon payment of just compensation.

ENCROACHMENT: A building, a part of a building, or obstruction which intrudes upon or invades a highway or a sidewalk or trespasses upon the property of another.

EQUITY: The interest or value which an owner has in real estate over and above the mortgage against it.

ESTATE: A right in property. An estate in land is the degree, nature, or extent of interest which a person has it.

EXECUTOR: A person named in a will to carry out its provisions.

EXPRESSWAY: A divided arterial highway for through traffic with full or partial control of access and generally with grade separation at intersection.

FEE SIMPLE: An absolute estate or ownership in property including unlimited power of alienation; free from all manner of conditions or encumbrances.

FILL: Use of material, or material used to equalize or to raise topography to a certain grade; to build up with fill; to fill low ground with sand, gravel or earth, etc.

FLOOD PLANE: The areas along the courses of streams which are subject to overflow.

FREEWAY: An expressway with full control of access.

FRONTAGE ROAD: A local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas and for control of access.

GENERAL WARRANTY DEED: A deed in which the grantor warrants the title against defects arising at any time, either before or after the grantor became connected with the land.

GEOMETRIC DESIGN: Design of the visible dimensions and elements of a highway, street or road.

GRADE: The slope of a surface, such as a lot or road, with a vertical rise or fall expressed as a percentage of the horizontal distance; e.g., a 3% upgrade means a rise of 3 feet per 100 feet of horizontal distance.

GRADE SEPARATION: A crossing of two highways, or a highway and a railroad at different levels.

GRANT DEED: The word grant, when used in a conveyance, conveys fee title and any after-acquired title of the grantor, unless a different intent is expressed in the deed.

GRANTEE: A person to whom real estate is conveyed; the buyer.

GRANTOR: A person who conveys real estate by deed; the seller.

GUARANTEE TITLE: A title, the validity of which is insured by an abstract, title or indemnity company.

GUTTER: Any prepared open water course, whether paved or not, constructed inside of the shoulder line.

HEADWALL: The vertical or sloping structure constructed to prevent an embankment or other earth material from encroachment over ends of a culvert; also the steep, wall-like cliff at the back of a cirque, which is a bowl-like basin, usually at the head of a valley.

HEIRS AND ASSIGNS: Ordinarily words of limitation and not of purchase. At common law, the words were essential to conveyance granting title in fee simple, and though they are unnecessary for that or any purpose under statute when used in wills or deeds, words still have that meaning.

HIGHWAY: A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way.

HISTORICAL INDEX: The narrative part of the new status records; a summary and index of all essential actions which affect or have affected the title to or use of lands and resources, public domain.

HUB: A substantial square stake, usually driven flush with the ground, with a tack marking the survey point.

IN FEE: Ownership in land. (See fee simple)

INCUMBRANCE: A claim, lien, charge, or liability attached to and binding upon real property, such as a judgment, unpaid taxes, or a right-of-way; defined in law as any right to, or interest in, land which may subsist in another to the diminution to its value, but consistent with the passing of the fee.

INDENTURE: A deed to which two or more persons are parties, and in which these enter into reciprocal and corresponding grants or obligations towards each other.

INGRESS: To go in; to enter.

INITIAL POINT: The point from which the survey of the principal meridian and base line, controlling the survey of the public lands within a given area, is initiated.

INLET: A narrow body of water extending into the land from a larger body of water. A long, narrow inlet with gradually decreasing depth inward is called a ria. Also called arm, tongue.

INTERCHANGE: A grade separated intersection with one or more turning roadways for travel between intersection legs.

INTERCHANGE RAMP: A turning roadway at an interchange for travel between intersection legs.

INTERSECTION: The general area where two or more highways join or cross, within which are included the roadway and roadside facilities for traffic movements in that area.

INTERSTATE HIGHWAY SYSTEM: The Interstate System shall be designated within the United States, including the District of Columbia, is not exceed forty one thousand miles in total extent.

JOINT ESTATES: Two or more persons having concurrent and simultaneous estates or interests in the same parcel of land whether or not the estate in land is fee simple, a life estate, or an estate for years. Such cases of co-ownership are call tenancy by the entirety, joint tenancy, tenancy in common and community property.

JOINT TENANCY: An estate in fee simple, for life, for years, or at will, arising by purchase or grant to two or more persons. Joint tenants have one and the same interest, accruing by one and the same conveyance, commencing at one and the same time, and held by one and the same undivided possession. The distinct character of joint tenancy is survivorship, by which the entire tenancy on the decease of any joint tenant remains to the survivors, and at length to the last survivor.

JUDGEMENT: Decree of court declaring that one individual is indebted to another and fixing the amount of such indebtedness.

JUST COMPENSATION: A full and fair equivalent for the loss sustained by the owner as a result of taking or damaging of private property for highway purposes.

LANE: A portion of the traveled way for the movement of a single line of vehicles.

LEASE: A contract, written or oral, for the possession of lands and tenements, on the one hand, and a recompense of rent or other income, on the other hand. It is a contract by which one person divests himself of real property and another person takes possession thereof for a determinable and limited time.

LEGAL ACCESS: A right which an owner of land that abuts a highway has to use the highway for ingress and egress.

LESSEE: One who acquires the right of use of the property of another. He is the one to whom the lease is granted or the property is rented under the lease.

LESSOR: One who rents real property to another or one who conveys or leases the right of use of real estate to another. He is the landlord. He usually is the fee owner; however, this is not always so, as in the case of a lessee who subleases to another party. The original lessee then also becomes a lessor and the owner of a sandwich lease interest.

LIEN: A hold or claim which one person has upon the property of another as a security for a debt or a charge, judgment, mortgage, taxes, etc.

LIFE ESTATE: An estate which is not terminable at any fixed or computable period of time, and cannot last longer than the life or lives of one or more persons. A life estate may arise by operation of law, or may be created by ace or agreement of parties.

LOT LINE: The line shown upon the map creating the lot. A lot line is permanent and does not change with street openings.

MASS DIAGRAM: The earthwork mass diagram is a continuous graph of net cumulative yardage at any point on an earthwork project. It is used to analyze amounts of excavation and embankment, balance points , and haul requirements.

MEDIAN: The portion of a divided highway separating the traveled ways for traffic in opposite directions.

MERGING: The converging of separate streams of traffic into a single stream.

METES AND BOUNDS DESCRIPTION: A description of a parcel of land by reference to the courses (bearings) and distances of each straight line which forms its boundary, with one of the corners tied to an established point, that is, the bearing and distances to an established point, such as a section corner, or to the intersection of center lines of two roads.

MORTGAGE: A conditional transfer of real property as security for the payment of a debt or the fulfillment of some obligation. A conveyance of an estate or interest of land as security of a debt with the right of redemption.

NEGOTIATION: The process by which property is sought to be acquired for highway purposes through discussion, conference, and final agreement upon the terms of a voluntary transfer of such property.

OCCUPANCY: Act of taking possession of a thing having no owner, thus acquiring a title by occupation.

OFFSET: A short distance measured at a right angle from a line, as to a boundary in computing the area of an irregular-shaped piece of land, or to continue a line parallel to itself at some little distance away to avoid an obstruction or the like.

PATENT: A grant of some privilege, property, or authority made by the government or sovereign of a country to one or more individuals.

PERPETUITY: A state of being continued forever; for example, an annuity which extends into the future without termination.

PLAT: A map or plan of measurement. A representation on paper of a piece of land. A subdivision of land marked upon the earth and represented on paper.

POLICE POWER: The inherent right of a government to pass such legislation as may be necessary to protect the public health and safety and/or to promote the general welfare. The control by the State, under which public welfare is served and to which property rights are subject.

PROFILE GRADE: The trace of a vertical plane intersecting the top surface of the proposed wearing surface, usually along the longitudinal center line of the roadbed. Profile grade means either elevation or gradient of such trace according to the context.

PROFILE-GROUND: A line indicating ground elevations of a vertical section along a survey line.

PROPERTY: The right or interest which an individual has in lands and chattels to the exclusion of all others.

PROPERTY LINE: The division between two parcels of land, or between a parcel of land and the street.

PROPERTY-REAL: The bundle of rights which arise by reason of the ownership of physical real estate. The rights and interests possessed in land and those things affixed to the land.

QUIT CLAIM DEED: A deed conveying, without warranty, any title, interest or claim the grantor may have in the estate conveyed.

REMAINDER: The portion of a parcel retained by the owner after a part of such parcel has been acquired.

REMNANT: A remainder so small or irregular that it usually has little or no economic value to the owner.

RETAINING WALLS: Vertical concrete walls, usually constructed adjacent to roadbed, normally emplaced where restrictive right-of-way or design will not permit the use of normal slopes in embankment or cut sections.

RIGHT OF ACCESS: The right of ingress to a highway from abutting land and egress from a highway to abutting land.

RIGHT-OF-WAY: A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to a highway.

RIPARIAN RIGHTS: The rights of an owner of water-fronting lands in the bed, banks, accretions, water, access, moorage and related items.

ROADBED: The graded portion of a highway, usually considered as the area between the intersections of top and side slopes, upon which the base course, surface course, shoulders and median are constructed.

ROADWAY: The portion of a highway, including shoulders, for vehicular use. A divided highway has two or more roadways. The portion of the highway within the limits of construction.

ROUTE: The general position of a highway relative to major features of topography such as centers of population or important terrain features.

SCENIC EASEMENT: For conservation and development of roadside views and natural features.

SEVERANCE DAMAGES: Loss in value of the remainder of a parcel resulting from an acquisition.

SHOULDER: The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

SIDE-SLOPE: That portion of the roadway between the outside edge of shoulder and the adjacent drainage ditch, usually measured as a ratio of horizontal distance versus each foot of decrease in elevation.

SIGHT DISTANCE: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed.

SLOPE: The inclined graded area beyond the shoulder and extending from the shoulder to the natural surface of the ground.

SPECIAL PROVISIONS: Special directions, provisions or requirements peculiar to the project under consideration and not otherwise thoroughly or satisfactorily detailed or set forth in the specifications.

SPECIAL WARRANTY DEED: A deed in which the grantor warrants the title against defects arising after he acquired the land but not against defects arising before that time.

SPECIFICATIONS: A general term comprising all directions, provisions, and requirements contained within a specifications book together with additions or adopted as supplemental specifications.

SUBDIVISION: A tract of land divided into lots suitable for home building purposes.

SUB-GRADE: The top surface of a roadbed upon which the pavement structure and shoulders are constructed.

SURFACE RUNOFF: That part of the rainfall on an area that flows off as free surface water.

TENANCY IN COMMON: Tenants in common exist where two or more persons have distinct but undivided shares in an estate or interest in property. Each share is several and distinct from the share of the cotenants.

TENANT: In the broadest sense, one who holds or possesses lands or tenements by any kind of right or title, whether in fee, for life, for years, at will, or otherwise.

THROUGH STREET: Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this act. (Uniform Vehicle Code-1956)

TITLE: The evidence of a person's right to property.

TITLE INSURANCE: A policy of insurance which indemnifies the holder for any loss sustained by reason of defects in the title.

TITLE SEARCH: An investigation of public records and documents to ascertain the history and present status of title to property, including ownership, liens, encumbrances, and interests.

TRAVELED WAY: The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

TURNING MOVEMENT: The traffic making a designated turn at an intersection.

UNDERLYING FEE: An owner owns property by fee simple.

UNDERPASS: A grade separation where the subject highway passes under an intersecting highway or railroad.

VACATION OF HIGHWAY: The formal determination that a section of highway is no longer needed for the purpose of a public highway which results in the reversion of title to such highway to the owners of the underlying fee.

WARRANTY DEED: A deed containing covenants by the grantor, for himself and his heirs, to the grantee and his heirs, to warrant and defend the title and possession of the estate conveyed.

WRIT OF EXECUTION: A writ which authorizes and directs the proper officer of the court to carry into effect the judgment or decree of the court.

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10 - 110:

CONVENTIONAL SYMBOLS AND SIGNS

10-110.01

INTRODUCTION

Mapping symbols are used as a shorthand method to convey messages and reduce the amount of space needed to convey pertinent information.

The right-of-way plan sheet is used by many different professional and lay people.

All symbols and signs used on the right-of-way plan sheets, total tract map, or other maps, should correlate with those used throughout the mapping profession and the highway department. Symbols and signs have proven adaptable over the years by trial and error to show different relationships, such as section lines, ownership lines, and existing and proposed right-of-way lines.

10-110.02

ROADWAY MANUAL - CONVENTIONAL SYMBOLS & SIGNS

Standard Drawing No. 110 is the base upon which right-of-way symbols and signs are selected.

Refer to roadway manual sections Right-of-Way General and Plan Sheet Standard, that provides the following:

- Details for the roadway and right-of-way plan sheets, the lay-out, and block location
- Right-of-way summary sheet lay-out
- Title sheet general location map, Form A
- Examples of Forms B, C, D, & E, (blocks); and Forms F, G, H, & I. (Summaries); and Form J (block)
- **Standard line symbols** indicating the line and labeling sizes, the weight of pen sizes, and balloon sizes

10-110.03

FORM RW-210

This form provides an overview of the parcel numbering, parcel lines for right-of-way maps, and shows the type of take for acquisition. Available at the Map Files and Records Section, Right-of-Way Division, Central Office.

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POLICIES AND PROCEDURES

125:01	Introduction
:02	Topics for Right-of-Way

10-125.01**INTRODUCTION**

The Utah Department of Transportation has adopted and put into place the Policies and Procedures Manual.

Since sections within the Policies and Procedures Manual are modified periodically, no copies will be provided within this right-of-way manual.

Reference to certain sections may be made for purposes of bringing to mind, those topics that affect right-of-way design.

10-125.02**TOPICS FOR RIGHT-OF-WAY**

Complying with UDOT policies and procedures saves time in the review process and minimizes changes and corrections.

- Design Process, UDOT policy 08-1
- Condemnation, UDOT policy 08A3-1
- Access Control for Interstate Highways and Expressways, UDOT policy 08A3-11
- Access Control for Highways Other Than Interstate Highways and Expressways, UDOT policy 08A3-12
- Relocation or Modification of Existing Authorized Access Openings or for Granting New Access Openings on Limited Access Highways, UDOT policy 08A3-13
- Construction and Maintenance of Right-of-Way Fence, UDOT policy 08A-1 (new format) or 08-47 (old format prior to conversion to new format).

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WORK FLOW CHARTS

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WORK FLOW CHARTS

10-126.01

OVERVIEW FLOW CHART

This chart focuses on the phases in the Design Process 08-1 in determining when each Right-of-Way Activity is to be performed.

Refer to the Overview Flow Chart on figure 10-126.01.1.

10-126.02

RIGHT-OF-WAY ACTIVITY

This chart shows the flow for developing plans and documents from the beginning of a project to the final Right-of-Way Package.

Refer to the Right-of-Way Activity Flow Chart on Figure 10-126.02.2.

Figure 10-126.01.1

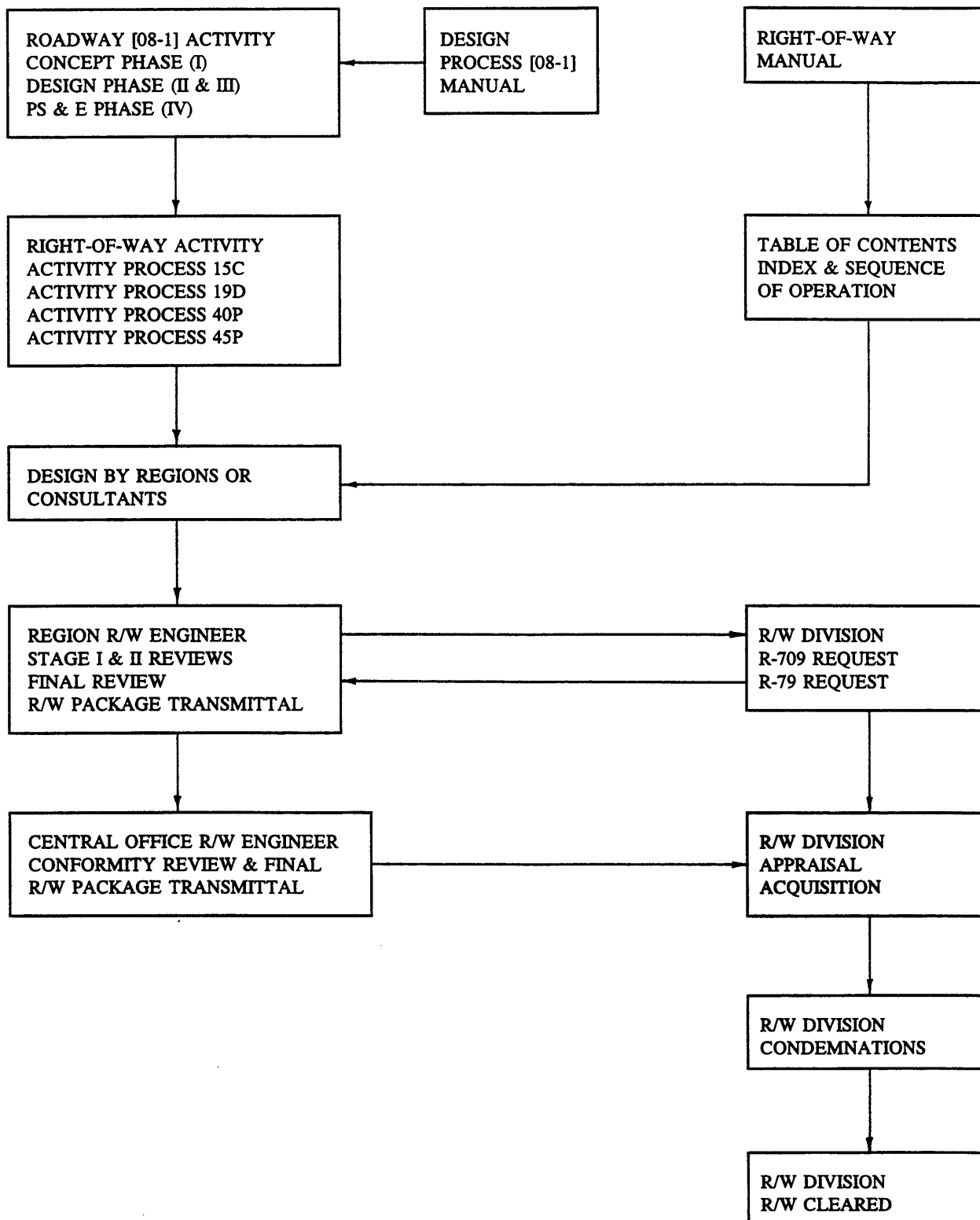
OVERVIEW FLOW CHART

Figure 10-126.02.2

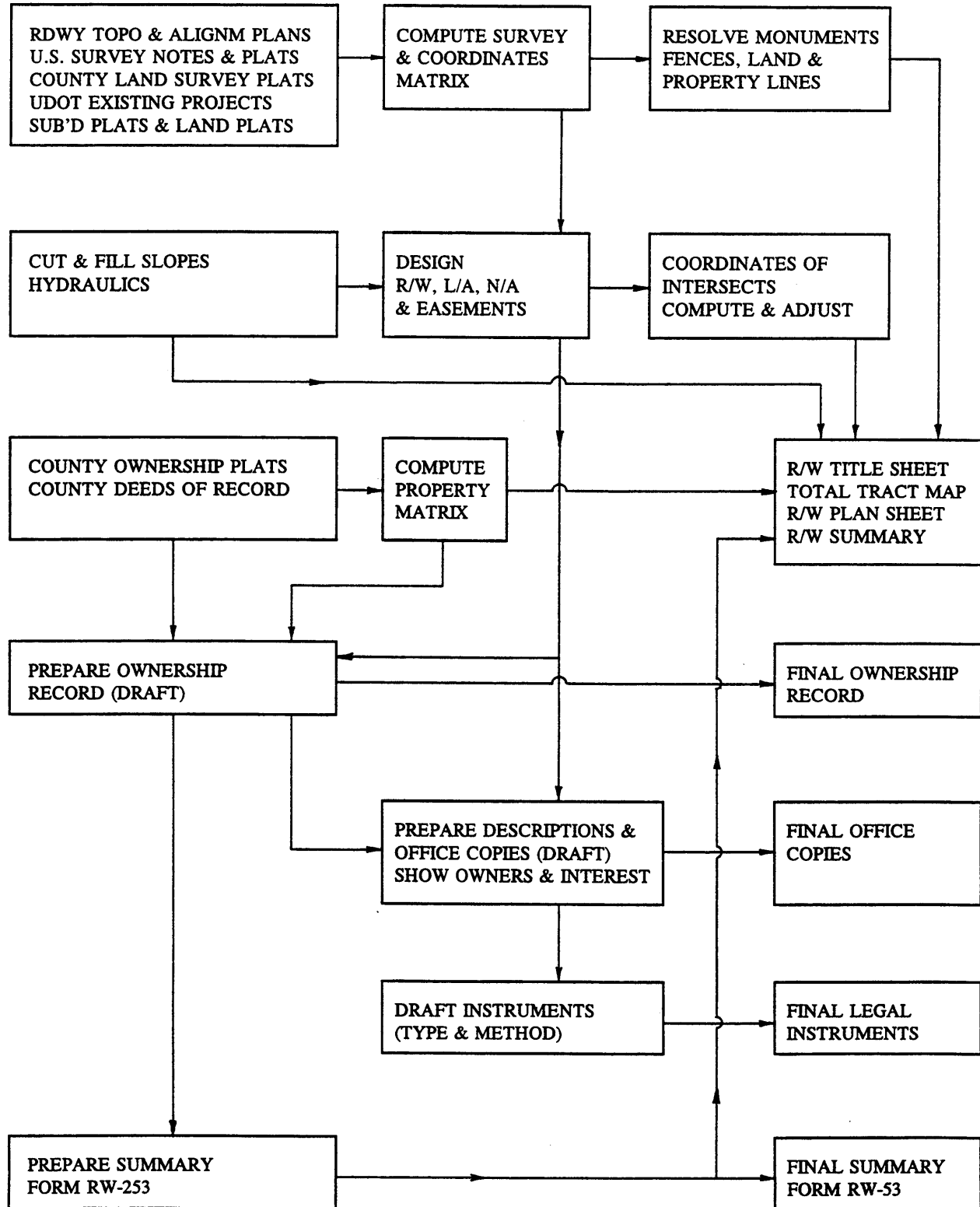
RIGHT-OF-WAY ACTIVITY

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10-130.01

HISTORY

Past history is the basis for current laws.

Knowing the history helps us understand current practices.

A. ROADS ESTABLISHED 1847 - 1896

Prior to Utah becoming a state in 1896, the Governor and Legislative Assembly of the Territory of Utah passed laws that **granted authority** to County Commissioners to establish roads and highways, with specific right-of-way widths and routes for public use.

These public roads were generally claimed and used by easement or prescriptive use.

B. SYSTEM OF STATE HIGHWAYS

Laws of Utah, 1903, Chapter 125, Section 1.

An act providing for the establishment, construction, and maintenance of system of State Highways. Any of the existing county roads put on the system of State Highways were so designated by the Board of County Commissioners and approved by the State Engineer in accordance with the provision set forth.

C. STATE ROAD COMMISSION FORMED

Laws on Utah, 1909, Chapter 119, Section 1.

An act creating a State Road Commission, defining its duties, creating a system of State Roads, a State Road Building Fund and providing for its Expenditure.

D. DEDICATED RIGHT-OF-WAYS

Laws of Utah, 1907, Title 30, Chapter 1, Section 1115.

A highway shall be deemed to have been dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of ten years.

(See Article 6, 27-12-89)

E. DEDICATED UNTIL ABANDONED

Laws of Utah, 1907, Title 30, Chapter 1, Section 1116.

All highways once established must continue to be highways until abandoned by order of the Board of County Commissioners of the county in which they are situated, by operation of law, or by judgment of a court of competent jurisdiction; provided, that a road not used or worked for a period of five years ceased to be a highway. (See 130-11, 27-12-90)

F. WIDTH OF PUBLIC AND PRIVATE WAYS

Laws of Utah, 1907, Title 30, Chapter 1, Section 1117.

The width of all public highways, except bridges, alleys, lanes, and trails, shall be at least sixty-six feet wide.

G. PUBLIC AND PRIVATE RIGHTS IN HIGHWAYS

Laws of Utah, 1907, Title 30, Chapter 1, Section 1120.

By the State taking or accepting land for a highway acquires only the right-of-way and incidents necessary to enjoying and maintaining it. A transfer of land bounded by a highway passes title for the person whose estate is transferred, to the center of the highway. (Adjoining owners have underlying fee, title, to center of highway)

H. PURCHASE PROPERTY FOR RIGHT-OF-WAY

Laws of Utah, 1909, Chapter 118, Section 1.

An act defining powers of County Commissioners as to roads. Giving **authority** to County Commissioners to contract for, purchase or otherwise acquire, when necessary, right-of-way (easement) for public roads over private property, they may institute proceedings for the acquirement of said rights-of-way as provided by law.

The above act gave the County Commissioners the responsibility to secure the use of lands for State highway purposes. Such lands were dedicated for public use.

I. STATE ROAD COMMISSION - POWER TO ACQUIRE

1933 - Utah Code Annotated, 1953, as amended, Title 27, Chapter 12, Section 7, 1 - Powers of Commission.

Up until 1933 the County Commission secured and acquired right-of-way for the State Road Commission. After this period of time, the State Road Commission was granted authority to acquire title to land in its own name. Most of the land acquired was by a Right-of-Way Deed (easement) written in the name of the State Road Commission. There were also Warranty and Quit Claim Deeds executed, but in the name of the State of Utah.

J. AUTHORITY TO PURCHASE BY FEE SIMPLE

Laws of Utah, 1945, Chapter 63, Section 4.

Authority was given to highway authorities of the State, counties, cities, and towns to acquire title to property rights in Fee Simple under the provision of the law. (See 130-14, 27-12-101)

K. LIMITED-ACCESS FACILITIES

Laws of Utah, 1945, Chapter 63, Section 1-8.

A limited-access facility is defined as a highway or street especially designated for through traffic for public use.

The highway authorities of the state, counties, cities, and towns are authorized to so design any limited-access facility and to so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended. (See 130-14, 27-12-111)

10-130.02

HIGHWAY LEGAL ADVISER

In all matters requiring legal advice in the performance of its duties and the prosecution or defense of any action growing out of the performance of its duties the Attorney General shall be the legal adviser of the Utah Department of Transportation, and he is required to perform any and all legal services required of him by the Utah Department of Transportation without other compensation than his salary. (Note: Only UDOT personnel should make contact with the section of the Attorney General's Office assigned to the Utah Department of Transportation for advise or opinions.)

10-130.03

UTAH CODE ANNOTATED 1953 AS AMENDED

The code sets forth what authority under which the Road Commission (Utah Department of Transportation) can function.

The code is recorded under Title, Chapter and Section, such as Title 27, Chapter 12, Section 1 or abbreviated 27-12-1.

10-130.04

DECLARATION OF LEGISLATIVE INTENT (27-12-1)

The legislature hereby determines and declares that an adequate and integrated system of state highways, county roads, and city streets is essential to the general welfare of the State of Utah.

The legislature intends to declare, in general terms, the powers and duties of the State Road Commission, leaving specific details to be determined by reasonable rules and regulations which may be promulgated by the Commission. It is the intent of the legislature to grant sufficient authority to the State Road Commission to enable it and the Director of Highways to carry out the broad objectives stated herein.

While it is necessary to fix responsibilities for the construction, maintenance and operation of the several systems of highways, it is intended that the State of Utah shall promote safety and efficiency by having an integrated system of highways, roads, and streets. The authority hereinafter granted to the State Road Commission and to the political and governmental subdivisions and public corporations of this state to assist and cooperate with each other is essential.

The legislature hereby determines and declares that this act is necessary for the preservation of the public peace, health, and safety, for the promotion of the general welfare, and as a contribution to the national defense.

State Road Commission was changed to the Utah Department of Transportation.

10-130.05, LAWS CITED

Article 3

**CLASSIFICATION AND JURISDICTION AND CONTROL
OF HIGHWAYS AND ROADS
STATE HIGHWAYS - CLASS A STATE ROADS (27-12-21)**

(1) All roads and streets designated as state highways are class A state roads. (2) The department has jurisdiction and control over all state highways and the state highways shall be constructed and maintained by the department from funds made available for that purpose.

COUNTY ROADS - CLASS B ROADS (27-12-22)

- (1) County roads comprise all public roads and streets within the state:
- (a) not designated as state highways that are situated outside of incorporated municipalities;
 - (b) that have been designated as county roads;
 - (c) those public roads located within a national forest and constructed or maintained by the county under agreement with the appropriate federal agency.
- (2) County roads are class B roads.
- (3) County roads are under the jurisdiction and control of the county governing bodies of the respective counties and shall be constructed and maintained by or under the authority of the county governing bodies of the respective counties from funds made available for that purpose.
- (4) The county legislative body has authority to expend or by contract cause to be expended the funds allocated to each county from the Transportation Funds under rules made by the department.
- (5) When the county legislative body considers the funds available for county road purposes from sources other than the levy made against tangible property adequate to properly construct and maintain the class B roads, the county may:
- (a) cease making a levy for county road purposes; or
 - (b) use any portion of the class B road funds provided by this chapter for the construction and maintenance of class A state roads by cooperative agreement with the department.

CITY STREETS - CLASS C ROADS (27-12-23)

- (1) City streets comprise:
- (a) highways within the corporate limits of the municipalities that are not designated as class A state roads or as class B roads; and
 - (b) those highways located within a national forest and constructed or maintained by the municipality under agreement with the appropriate federal agency.
- (2) City streets are under the jurisdiction and control of the governing officials of the municipality.
- (3) City streets are class C roads.

(4) The department shall cooperate with the municipal legislative body in the construction and maintenance of the class C roads within each municipality, and the municipal legislative body shall expend or cause to be expended upon the class C roads the amount allocated to each municipality from the Transportation Fund under rules made by the department.

(5) Any town or city in the third class may:

(a) contract with the county or the department for the construction and maintenance of class C roads within its corporate limits; or

(b) transfer, with the consent of the county, its:

(i) class C roads to the class B road system; and

(ii) funds allocated from the Transportation Fund to the municipality to the county legislative body for use upon the class C roads.

(6) When the municipal legislative body of any municipality of the third class considers the funds available for road purposes from sources other than the levy made against tangible property adequate to properly construct and maintain the class C roads within any municipality, the municipal legislative body may use any portion of the class C road funds allocated to the municipality for the construction of sidewalks, curbs, and gutters on class A state roads within the municipal limits by cooperative agreement with the department.

ACTIONS TO DETERMINE PRIORITY OF USE OF PUBLIC ROADS (27-12-24)

All actions involving determination of a priority of public use of all highways, roads, streets, paths and ways not otherwise designated as a federal highway, state highway, county road, city street, or special highway shall be by the county attorney under and by the direction of the county legislative body in which the so designated way resides. This action may be instigated by the written request of ten taxpayers of said county to the county legislative body in the county in which the undesignated way is situated. The county legislative body shall request the county attorney to instigate action within a reasonable length of time.

CONTROL OF HIGHWAYS, ROADS, PATHS AND WAYS NOT OTHERWISE DESIGNATED (27-12-25)

All highways, roads, paths and ways not designated as a federal, state, city or special highway, road, path, or way shall remain under the direction of the county executive in the county where they are located.

COUNTY TO KEEP PLATS OF ROADS AND HIGHWAYS (27-12-26)

It shall be the duty of the county executive of each county to determine all county roads existing in its county, outside of cities and towns, and to prepare and keep current plats and specific descriptions of the same and of such other highways as he may from time to time locate upon public lands, which shall be kept on file in the office of the county clerk or recorder.

Article 4

DESIGNATION OF STATE HIGHWAYS

**ADDITIONS TO OR DELETIONS FROM STATE HIGHWAY
SYSTEM - DESIGNATION OF HIGHWAYS AS STATE
HIGHWAYS BETWEEN SESSIONS (27-12-27)**

(1) (a) At each general session of the Legislature, the Legislature may add to or delete highways or sections of highways from the state highway system.

(b) The department shall submit to the Legislature a list of highways or sections of highways the commission recommends for addition to or deletion from the state highway system.

(c)(i) All recommendations shall be based on minimum qualifying standards established by the commission.

(ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission shall make rules to establish the minimum qualifying standards for highways to be included on the state highway system.

(2) Between sessions of the Legislature, highways may be designated as state highways or deleted from the state highway system if:

(i) approved by the commission in accordance with the standards made under Subsection (1); and

(ii) the highways are included in the list of recommendations submitted to the Legislature in the next year for legislative approval or disapproval.

**DELETION OF HIGHWAY FROM STATE HIGHWAY SYSTEM - RETURN
TO COUNTY, CITY, OR TOWN OR ABANDONMENT (27-12-28)**

When a state highway or portion of a state highway is deleted from the state highway system by the Legislature or the commission, the department shall:

(1) return or relinquish the state highway or portion of the state highway to the county, city, or town in which it is situated; or

(2) abandon the state highway or portion of the state highway if it no longer serves the purpose of a highway.

DISPOSITION OF PORTION OF HIGHWAYS REALIGNED (27-12-29)

(1) The department may make changes in the alignment of state highways to provide for greater highway safety or more economical highway operation and maintenance.

(2) When a state highway is realigned, the former portion of it may be:

(a) returned or relinquished to the county, city, or town in which is situated to be maintained as a highway; or

(b) abandoned by the department if it no longer serves the purpose of a highway.

**DESIGNATION OF STATE HIGHWAYS
IN CITIES AND TOWNS (27-12-30)**

If the route of a state highway extends into or through a city or town and the Legislature has not specifically designated the location of the highway within the city or town, the commission, in cooperation with the city or town, shall select and designate the streets of the city or town over which the state highway shall be routed. The designated streets shall be part of the state highway system without compensation to the city or town.

Article 6

**ACQUISITION OF PROPERTY FOR HIGHWAY PURPOSES
PUBLIC USE CONSTITUTING DEDICATION (27-12-89)**

A highway shall be deemed to have been dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of ten years.

**HIGHWAYS ONCE ESTABLISHED CONTINUE
UNTIL ABANDONED (27-12-90)**

All public highways once established shall continue to be highways until abandoned or vacated by order of the highway authorities having jurisdiction over any such highway, or by other competent authority.

**UNITED STATES PATENTS - PATENTEE AND COUNTY TO
ASSERT CLAIMS TO ROADS CROSSING LAND (27-12-92)**

(1) Whenever any person shall acquire title from the United States to any land in this state over which there shall at the time extend any public highway that shall not theretofore have been duly platted, and that shall not have been continuously used as such for a period of ten years theretofore, he shall within three months after receipt of his patent assert his claim for damages in writing to the county executive of the county in which the land is situated. The county legislative body shall have an additional period of three months in which to begin proceedings to condemn the land according to law.

(2) The highway shall continue open as a public highway during said periods; but in case no action is begun by the county executive within the period above stated, the highway shall be considered to be abandoned by the public.

(3) In case of a failure by the person so acquiring title to public lands to assert his claim for damage as aforesaid for three months from the time he shall have received a patent to such lands, he shall thereafter be barred from asserting or recovering any damages by reason of the public highway, and the same shall remain open.

WIDTH OF RIGHTS-OF-WAY FOR PUBLIC HIGHWAYS (27-12-93)

The width of rights-of-way for public highways shall be such as the highway authorities of the state, counties, cities or towns may determine for such highways under their respective jurisdiction.

CONTRIBUTIONS OF PROPERTY BY COUNTIES, CITIES, AND TOWNS (27-12-94)

Counties, cities, and towns may contribute real or personal property to the department for state highway purposes.

ACQUISITION OF PERSONAL PROPERTY (27-12-95)

The department may acquire by gift, agreement, exchange, purchase, or otherwise machinery, tools, equipment, materials, supplies, or other personal property necessary for the administration, construction, maintenance, and operation of the state highways, and may sell, exchange, or otherwise dispose of the machinery, tools, equipment, materials, supplies, and other personal property when no longer suitable or required for state highway purposes.

ACQUISITION OF RIGHTS-OF-WAY AND OTHER REAL PROPERTY (27-12-96)

The department may acquire any real property or interests in real property necessary for temporary, present, or reasonable future state highway purposes by gift, agreement, exchange, purchase, condemnation, or otherwise. Highway purposes as used in this chapter includes:

- (1) rights-of-way, including those necessary for state highways within cities and towns;
- (2) the construction, reconstruction, relocation, improvement, and maintenance of the state highways and other highways, roads, and streets under the control of the department;
- (3) limited access facilities, including rights of access, air, light, and view and frontage and service roads to highways;
- (4) adequate drainage in connection with any highway, cut, fill, or channel change and the maintenance of any highway, cut, fill, or channel change;
- (5) weighing stations, shops, offices, storage buildings and yards, and road maintenance or construction sites;
- (6) road material sites, sites for the manufacture of road materials, and access roads to the sites;

- (7) the maintenance of an unobstructed view of any portion of a highway to promote the safety of the traveling public;
- (8) the placement of traffic signals, directional signs, and other signs, fences, curbs, barriers, and obstructions for the convenience of the traveling public;
- (9) the construction and maintenance of storm sewers, sidewalks, and highway illumination;
- (10) the construction and maintenance of livestock highways; and
- (11) the construction and maintenance of roadside rest areas adjacent to or near any highway.

DISPOSAL OF UNUSED RIGHTS-OF-WAY (27-12-97)

(1)(a) Whenever the department determines that any real property or interest in real property, acquired for a highway purpose, is no longer necessary for the purpose, the department may lease, sell, exchange, or otherwise dispose of the real property or interest in real property.

(b) Real property may be sold at private or public sale and the proceeds of the sale shall be turned over to the state treasurer and credited to the Transportation Fund.

(2) In the disposition of land at any private sale, first consideration may be given to the original grantor or his successor-in-interest.

(3) Any sale, exchange, or disposal of real property or interest in real property made by the department pursuant to this section, is exempt from the mineral reservation provisions of Title 65A, Chapter 6, Mineral Leases, and any deed made and delivered by the department pursuant to this section without specific reservations in the deed is a conveyance of all the State's right, title, and interest in the real property or interest in real property.

**ACQUISITION OF REAL PROPERTY FROM COUNTY, CITY, OR
OTHER POLITICAL SUBDIVISION - EXCHANGE (27-12-98)**

The department may purchase or otherwise acquire from any county, city, or other political subdivision of the State real property or interests in real property which may be exchanged for or used in the purchase of other real property or interests in real property to be used in connection with the construction, maintenance, or operation of state highways.

**ACQUISITION OF ENTIRE LOT, BLOCK, OR
TRACT - SALE OR EXCHANGE OF REMAINDER (27-12-99)**

If a part of an entire lot, block, tract of land, or interests or improvements in real property is to be acquired by the department and the remainder is to be left in a shape or condition of little value to its owner or to give rise to claims or litigation concerning damages, the department

may acquire the whole of the same and may sell the remainder or may exchange the same for other property needed for highway purposes.

**LEASE OR RENTAL OF PROPERTY ACQUIRED
IN ADVANCE OF CONSTRUCTION (27-12-100)**

(1) Where the department finds it advisable to acquire real property or interests or improvements in real property in advance of the actual construction, reconstruction, or improvement of highways or to acquire the same in order to save on acquisition costs or avoid the payment of excessive damages, the real property or interests or improvements in real property may be leased or rented by the department in a manner, for a period of time, and for the sum determined by the department to be in the best interest of the state.

(2) (a) The department may employ private agencies to manage rental properties when it is more economical and in the best interests of the state.

(b) All moneys received for leases and rentals, after deducting any portion to which the federal government may be entitled, shall be deposited with the state treasurer and credited to the Transportation Fund.

TITLE TO PROPERTY ACQUIRED BY STATE (27-12-101)

(1) Title to real property acquired by the department or the counties, cities, and towns by gift, agreement, exchange, purchase, condemnation, or otherwise for highway rights-of-way or other highway purposes may be in fee simple or any lesser estate or interest.

(2) A transfer of land bounded by a highway on a right-of-way for which the public has only an easement passes the title of the person whose estate is transferred to the middle of the highway.

Article 8

**LIMITED-ACCESS FACILITIES
AUTHORITY TO PROVIDE AND MAINTAIN LIMITED-ACCESS
FACILITIES - POWERS OF HIGHWAY AUTHORITIES (27-12-111)**

The highway authorities of the state, counties, cities, and towns, acting alone or in cooperation with each other or with any federal, state, or local agency or any other state having authority to participate in the construction and maintenance of highways, are authorized to plan, designate, establish, regulate, vacate, alter, improve, maintain, and provide limited-access facilities for public use wherever such authority or authorities are of the opinion that traffic conditions, present or future, will justify such special facilities. Said highway authorities of the state, counties, cities, and towns shall also have and may exercise, relative to limited-access facilities, any and all additional authority now or hereafter vested in them relative to highways, roads, or streets within their respective jurisdictions. Such authorities may regulate, restrict, or prohibit the use of such limited-access facilities by pedestrians, animals, or by the various classes of vehicles or traffic.

DETERMINATION OF DESIGN (27-12-112)

The highway authorities of the state, counties, cities, and towns are authorized to so design any limited-access facility and to so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended; and its determination of such design shall be final. In this connection, such highway authorities are authorized to divide and separate any limited-access facility into separate roadways by the construction of raised curbings, central dividing sections, or other physical separations, or by designating such separate roadways by signs, markers, stripes, and the proper lane for such traffic by appropriate signs, markers, stripes, and other devices. No person shall have any right of ingress or egress to, from or across limited-access facilities to or from abutting lands, except at such designated points at which access may be permitted, upon such terms and conditions as may be specified from time to time.

**DESIGNATION AND ESTABLISHMENT OF NEW OR EXISTING
HIGHWAYS AS LIMITED-ACCESS FACILITIES - ELIMINATION
OF INTERSECTIONS - RIGHT TO OPEN INTO OR CONNECT
WITH FACILITY RESTRICTED (27-12-114)**

The highway authorities of the state, county, city, or town may designate and establish limited-access highways as new and additional facilities or may designate and establish an existing street or highway as included within a limited-access facility. The state or any of its subdivisions shall have authority to provide for the elimination of intersections at grade of limited-access facilities with existing state highways and county roads, and the city or town streets, by grade separation or service road, or by closing off such roads and streets at the right-of-way boundary line of such limited-access facility; and after the establishment of any limited-access facility, no highway, road or street which is not part of said facility shall intersect the same at grade. No city or town street, county road, or state highway or other public way shall be opened into or connected with any such limited-access facility without the consent and previous approval of the highway authorities of the state, county, city, or town having jurisdiction over such limited-access facility. Such consent and approval shall be given only if the public interest shall be served thereby.

Article 12

**EXCAVATIONS, STRUCTURE OR OBJECTS PROHIBITED
WITHIN RIGHT-OF-WAY EXCEPT IN ACCORDANCE
WITH REGULATION - PENALTY FOR VIOLATION (27-12-133)**

Except as otherwise provided in Section 54-4-15, Utah Code annotated, 1953, no right-of-way of any state highway, county road or city street shall be dug up or excavated and no approach road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any kind or character shall be placed, constructed, or maintained within any such right-of-way except as permitted by, and in accordance with, the regulations of the highway authorities having jurisdiction over such right-of-way.

Any person who violates the provisions of this section is guilty of a misdemeanor.

"UTAH OUTDOOR ADVERTISING ACT" SHORT TITLE (27-12-136.1)

This act shall be known and may be cited as the "Utah Outdoor Advertising Act."

PURPOSE OF ACT (27-12-136.2)

The purpose of this Act is to provide the statutory basis for the regulation of outdoor advertising consistent with zoning principles and standards and the public policy of this State in providing public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in such highways, to preserve the natural scenic beauty of lands bordering on such highways, and to insure that information in the specific interest of the traveling public is presented safely and effectively.

The agreement entered into between the Governor of the State of Utah and the Secretary of Transportation of the United States dated January 18, 1968, regarding the size, lighting and spacing of outdoor advertising which may be erected and maintained within areas adjacent to the Interstate and primary highway systems which are zoned commercial or industrial or in such other unzoned commercial or industrial areas as defined pursuant to the terms of such agreement is hereby ratified and approved.

RESTRICTIONS TO OUTDOOR ADVERTISING - EXCEPTIONS (27-12-136.4)

- (1) Outdoor advertising that is capable of being read or comprehended from any place on the main-traveled way of an interstate or primary system may not be erected or maintained, except:
 - (a) directional and other official signs and notices authorized or required by law, including signs and notices pertaining to natural wonders and scenic and historic attractions, informational or directional signs regarding utility service, emergency telephone signs, buried or underground utility markers and above ground utility closure signs;
 - (b) signs advertising the sale or lease of property upon which they are located;
 - (c) signs advertising activities conducted on the property where they are located;
 - (d) signs located in a commercial or industrial zone;
 - (e) signs located in unzoned industrial or commercial areas as determined from actual land uses; and
 - (f) logo advertising under Subsection (2).
- (2) (a) The department may itself or by contract erect, administer, and maintain informational signs on the main-traveled way of an interstate or primary system for the display of logo advertising and information of interest to the traveling public if:
 - (i) the department complies with Title 63, Chapter 56, Utah Procurement Code, in the lease or other contract agreement with a private party for the sign or sign space; and

- (ii) the private party for the lease of the sign or sign space pays an amount set by the department to be paid to the department or the party under contract with the department under this subsection.
- (b) The amount shall be sufficient to cover the costs of erecting, administering, and maintaining the signs or sign spaces.
- (c) The department may consult the Division of Travel Development in carrying out this subsection.
- (3) (a) Revenue generated under Subsection (2) shall be:
 - (i) applies first to cover department costs under Subsection (2); and
 - (ii) deposited in the Transportation Fund.
- (b) Revenue in excess of costs under Subsection (2)(a) shall be deposited in the General Fund as a dedicated credit for use by the Division of Travel Development no later than the following fiscal year.
- (4) Outdoor advertising under Subsections (1)(a), (d), (e), and (f) shall conform to the rules made by the department under Sections 27-12-136.6 and 27-12-136.7.

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SEQUENCE OF OPERATIONS

10-140.01

GENERAL

The Design Process 08-1 is the basis for the sequence of operations. See Section 10-145, Design Process 08-1.

Any change in sequence **must** be authorized by the Region Right-of-Way Engineer.

10-140.02

SEQUENCE OVERVIEW

- Identify Land Ownerships - Activity 15C, Tasks 1-9
- Develop Right-of-Way Plans - Activity 19D, Tasks 1-2
- Stage One Review by regions for Activity 19D
- Expand Right-of-Way Plans - Activity 19D, Tasks 4-7
- Stage Two Review by regions for Activity 19D
- Expand Right-of-Way Plans - Activity 19D, Tasks 9-11
- Final Review by Regions - Activity 40P, Tasks 1-4
- Conformity Review by Central Office - Activity 45P, Tasks 1-4
- Transmit Package to Right-of-Way Division

10-140.03

SEQUENCE GUIDELINES

- Follow the Design Process 08-1 Activities
- Follow UDOT Policies and Procedures
- Provide cover letters and required correspondence
- Ensure all reviews are followed
- Use UDOT standard right-of-way forms
- Ensure all current projects are in metric values
- Ensure funding is set up. See 10-145.05, Funding of Projects

10-140.04

SEQUENCE

A. IDENTIFY LAND OWNERSHIPS

Follow Design Process, Activity 15C, Tasks 1-9.

- Identify current landowners along highway route
- Research and determine highways to be abandoned
- Start action for frontage roads to be removed from the state system and placed in local jurisdiction. (Note: Title to remain in the name of the Utah Department of Transportation)

B. DEVELOP RIGHT-OF-WAY PLANS

Follow Design Process 08-1, Activity 19D, Tasks 1-2

- Employ base map with all topography. (From Roadway Design)
- Enter all new alignments, existing roads and streets
- Provide all sectionalizing, rotations, and adjustments

C. STAGE ONE REVIEW

Stage One Review is to be performed by each Region Right-of-Way Engineer. See Design Process 08-1, Activity 19D, Task 3. Provide to the region:

- A copy of the completed work of Tasks 1 and 2
- A copy of plats and maps used in determining section layout information
- A copy of coordinates, calculations, adjustments, and rotation values
- Cover letter requesting a Stage One Review

D. EXPAND RIGHT-OF-WAY PLANS

Follow Design Process 08-1, Activity 19D, Tasks 4-7.

- Plot property lines from descriptions on plan sheets
- Plot property descriptions on total tract when required
- Provide other required maps when needed, such as the federal lands application maps, forest maps
- Draft ownership records with an assigned parcel numbers
- Place cut and fill lines on plan sheets
- Place final hydraulics, pipe culverts, and RC boxes on maps
- Place uniform right-of-way lines on plan sheets
- Finalize topography on plan sheets
- Assign and place final parcel numbers on plan sheets
- Identify historical sites
- Identify potential sites requiring toxic/hazardous waste clean up

E. STAGE TWO REVIEW

Stage Two Review is to be preformed by each Region Right-of-Way Engineer. See Design Process 08-1, Activity 19D, Task 8. Provide to the region:

- All updated changes of completed work of Tasks 1 and 2
- A copy of the completed work of Tasks 4-7
- A copy of plats and maps used in determining ownerships
- Cover letter requesting a Stage Two Review

F. EXPAND RIGHT-OF-WAY PLANS

Follow Design Process 08-1, Activity 19D, Tasks 9-11.

- Calculate parcel dimensions

- Calculate or confirm the area of the ownerships, calculate the areas of takings and the areas of the remainders
- Prepare final ownership records with final parcel numbers
- Write and check deeds, draft or office copy
- Build the legal right-of-way instruments (deeds)
- Complete plan sheet summaries
- Complete right-of-way summary, Form RW-53
- Complete and submit application maps, railroad agreements, and forest applications, in separate Right-of-Way Packages for each agency. Packages need to be prepared and submitted early in the right-of-way development, because of time restraints
- Complete Total Tract Map. (As required)
- Complete checking schedule as defined in 10-155.02
- Request the region to obtain funding approval through the Right-of-Way Acquisition Engineer, who will start and process either the R-709 or R-79 Form (See Subsection 10-145.05)
- Transmit an assembled partial or completed right-of-way package, consisting of the maps, deeds, ownership records, checking schedule, and calculations, or other required items as requested by the regions
- Provide cover letter to the Region Office, describing the contents of the package and the statement **For Final Review**

G. FINAL REVIEW BY REGIONS

Follow Design Process 08-1, Activity 40P, Tasks 1-4.

- Ensure the R-709 or R-79 is in process for funding approval
- Refer to Subsection 10-155.04, Final Review Schedule
- Make a detailed review of at least 10% sampling of the package

- Ensure that the required items of the checking schedule are completed and signed off
- Notify or send back the package for corrections, additions, etc. as needed, so the package conforms to the standard requirements
- Ensure the right-of-way package has been corrected and complete
- Provide cover letter describing package type and contents
- Transmit the completed right-of-way package to the Central Office Right-of-Way Engineer

H. CONFORMITY REVIEW BY CENTRAL OFFICE

Follow Design Process 08-1, Activity 45P, Tasks 1-4.

- Ensure that the format of all documents follow the standards and procedures
- When corrections are necessary notify the region
- Make a conformity review of the maps, deeds, ownership records, and summaries
- Ensure the type and method of the deeds agree with the ownership records
- Ensure the approval date is entered on summary Form RW-53
- Process the transmittal of the right-of-way package

I. TRANSMIT PACKAGE TO RIGHT-OF-WAY DIVISION

Follow process defined under Section 10-150.05.

- Provide a cover letter describing the contents of the right-of-way package

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DESIGN PROCESS 08-1

10-145.01

ACTIVITY INDEX

- Concept Phase
- Design Phase
- PS & E Phase

10-145.02

ACTIVITIES

At present there are four basic activities in the Design Process 08-1 Manual, that deal with Right-of-Way Design as follows:

1. Identify Land Ownership - Act. 15C
2. Develop Right-of-Way Plans - Act. 19D
3. Conduct Final Right-of-Way Review - Act. 40P
4. Conformity Review of Right-of-Way Package - Act. 45P

Be familiar with these four basic activities, that focus on the OVERVIEW, RESPONSIBILITY, DESCRIPTION, PRODUCT and DISTRIBUTION.

Activity 19D calls for a required **Stage One Review** and a **Stage Two Review**. (See 10-140, Sequence of Operations)

10-145.03

RIGHT-OF-WAY PACKAGE

The Right-of-Way Package, also referred to as the PRODUCT, is prepared for the appraisers' and agents' use to acquire land for highway purposes. The complete package consists of the following required items:

1. Summary of Right-of-Way (RW Form 53)
2. Ownership Records (RW Form 51)
3. Office Copies
4. Instruments, Warranty Deeds and Quit Claim Deeds
5. Right-of-Way Plan Sheet or map
6. Total Tract Map (Required on controlled access highways)

10-145.04

Other documents or maps are required for Forest Service, Railroad Agreements, BLM Applications, Bureau of Indian Affairs, or Indian Nations.

DISTRIBUTION

Transmit all Right-of-Way Packages to the Region Office for the **Final Review**.

After the Final Review, the Region Office transmits the Right-of-Way Package to the Central Office Right-of-Way Engineer for the **Conformity Review**.

After the Conformity Review, transmit the Right-of-Way Package to the Right-of-Way Division.

See Section 10-150.05, Transmittal to Right-of-Way Division.

Transmit all packages with a cover letter.

10-145.05

FUNDING OF PROJECTS

Before the right-of-way acquisition process can be started, the following items must be accomplished under the direction of the Region Right-of-Way Engineer:

1. Ensure that funds for any given project have been set up.
2. Ensure the right-of-way project number is approved.
3. Provide **preliminary plans** to the Right-of-Way Division.
4. Request a Shot-Gun Estimate for right-of-way costs.

FORM R-709 - Used by the Right-of-Way Division to request federal funds from FHWA. This form is required prior to any action in the acquisition process. (Form is completed by the Right-of-Way Acquisition Engineer)

FORM R-79 - Used by the Right-of-Way Division to request state funds or federal funds, that are under the stewardship of the Utah Department of Transportation. (Form is completed by the Right-of-Way Acquisition Engineer)

Approval dates from the R-709 or R-79 are to be entered on the RW-53 summary by the Region Right-of-Way Engineer.

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10 - 150:

TRANSMITTAL OR DISTRIBUTION

10-150.01

FOCUS

A Transmittal is the action of sending portions of a Right-of-Way Package or a complete Right-of-Way Package for further action.

All transmittals have a cover letter describing the contents, and any other helpful correspondence about the project.

A transmittal may have one parcel or many, one plan sheet or many, or just a letter describing some action.

Label correspondence with date as received.

10-150.02

SEND TO AND PURPOSE

Person(s) preparing packages are to send each Right-of-Way Package to the Region Right-of-Way Engineer for **Final Review**.

Provide a cover letter to the Region Office, describing the contents of the package and the statement **For Final Review**. (Note: All other submittals will be considered as courtesy reviews only.)

Regions are to send **Final Right-of-Way Packages** to the Central Office Right-of-Way Engineer for the **Conformity Review**.

The Central Office Right-of-Way Engineer is to complete the **Conformity Review**, then send the packages to the Right-of-Way Division.

10-150.03

CONTENTS OF PACKAGE

- Mylars, the final completed set of the plan sheets, and total tract map (when required) for filing. Also, computer disks of project.
- Plan Sheets, reduced sets - stapled. (Seven sets)
- Summaries, Form RW-53 or Form RW-54 (Seven sets)
- Office Copies of the deeds stamped. (Seven sets)
- Ownership Records, Form RW-51 (Seven sets)

- Two original of each: Instruments, Deeds, or Easements on 50% cotton bond paper. (Note: One copy is to be executed and recorded, and the other copy is to be stamped "COPY" and given to the landowner by the Right-of-Way Agent.) See Subsection 10-1129.06, Paper Specifications.
- Correspondence, letters of the history of the project for the files.

10-150.04

SUMMARIES

Summaries are used to document the sequence of transmittals.

Refer to Section 10-1126, Summaries, for Partial, Original, and Supplemental Summaries.

Ensure the **date for approval** by FHWA or UDOT is entered on the Summary Form RW-53.

Personnel under the direction of the Right-of-Way Acquisition Engineer, Right-of-Way Division, Central Office, log in all current and future summary transmittals, and the action taken on each parcel. See Section 10-1145, Map Files and Records.

10-150.05

TRANSMITTAL TO RIGHT-OF-WAY DIVISION

Prepare a cover letter defining the contents of the Right-of-Way Package, addressing the cover letter to Chief of Right-of-Way.

Transmit each full package with cover letter to the Chief of Right-of-Way, attention Right-of-Way Acquisition Engineer.

CAUTION - Never transmit a package without the completion of the R-709 or R-79 and proper authorization by FHWA or UDOT. See Subsections 10-145.05 (Funding of Projects) and 10-155.04 (Final Review Schedule).

Ensure all contents of package are included, and the approved date is entered on the summary Form RW-53.

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CHECKING & REVIEWING PROCESS

10-155.01

CHECKING

- Check each project
- Check all instruments and compare against maps
- Check all areas making sure all summaries, ownership records, instruments, and map summaries agree with each other
- Follow the checking schedule for the design of right-of-way
- Complete each item on the checking schedule

10-155.02

RIGHT-OF-WAY CHECKING SCHEDULE

The Right-of-Way Engineer/Designer will verify that each applicable item is checked and signed off.

1. Location _____ County _____
2. R/W Project No. _____ Auth. No. _____
3. Funding set up _____
4. State Route No. _____ Road Section No. _____
5. Data Collection By _____ Date _____ Alignment By _____
Topog By _____ Date _____ Section ties By _____ Date _____
6. R/W Designed By _____
7. R/W Plan Sheets Drawn By _____ No. Sheets _____
8. U.S. Survey Plats Secured By _____ Date _____
U.S. Government Land Status Plats Secured By _____
Date _____ State Land Ownerships and Leases _____
Secured By _____ Date _____
9. County Engineering Survey Plats Secured By _____ Date _____
County Ownership Plats Secured By _____ Date _____
10. City Survey Plats Secured By _____ Date _____
City Subdivision Plats Secured By _____ Date _____
11. Ownership Records Secured By _____ Date _____
Ownership Records Checked By _____ Date _____
12. Existing Billboards Shown and Identified By _____
Date _____ Checked By _____ Date _____
13. Check Previous and Adjoining Projects for Alignment, R/W
Lines and Sectionalizing at Beginning and End of Project
Checked By _____ Date _____
14. Alignment Ties to all Adjacent Projects Made By _____
Date _____ Checked By _____ Date _____

15. Alignment Checked By _____ Date _____
Equations Checked By _____ Date _____
16. Bearings Checked By _____ Date _____
17. Scoping Report and Supplemental Reports Studied and All
Pertinent Recommendations Noted By _____ Date _____
Reread and Checked By _____ Date _____
18. Survey Control Map Prepared By _____ Date _____
19. City Monuments Plotted on Plan Sheet By _____
Date _____ Checked By _____ Date _____
20. Found Corners, Section Lines Plotted and Labeling By _____
Date _____ Checked By _____ Date _____
21. BLM Subdivisions Identified By _____ Date _____
Checked By _____ Date _____
22. Ownership Property Lines Rotated to highway By _____
Date _____ Checked By _____ Date _____
23. Property Lines Plotted and Labeled By _____
Date _____ Checked By _____ Date _____
24. Canal and Utility R/W's Plotted By _____
Date _____ Checked by _____ Date _____
25. City Lot Lines and Block Lines Plotted By _____
Subdivision and Plat Notation Plotted By _____
Date _____ Checked By _____ Date _____
26. Corporate Limits, Boundaries, etc., Plotted By _____
Date _____ Checked By _____ Date _____
27. Existing Roads Plotted By _____
Date _____ Checked By _____ Date _____
28. Existing Right-of-Way Lines Labeled By _____
Date _____ Checked By _____ Date _____
29. New Right-of-Way Lines Labeled By _____
Date _____ Checked By _____ Date _____
30. Slope Lines Plotted and Labeled By _____
Date _____ Checked By _____ Date _____
31. Beg. and End of Project Flagged By _____
Date _____ Checked By _____ Date _____
32. Standard Line Symbols Plotted By _____
Date _____ Checked By _____ Date _____
33. All Data and Calculations By _____
Date _____ Checked By _____ Date _____
34. All Parcels defined and Numbered By _____
Date _____ Checked By _____ Date _____
35. All Easements Plotted and Labeled By _____
Date _____ Checked by _____ Date _____
36. All R/W Breaks Stationed and Tied By _____
Date _____ Checked by _____ Date _____

37. R/W Design Changes Corrected By _____
Date _____ Checked by _____ Date _____
38. Total Tract Maps Prepared by _____
Date _____ Checked by _____ Date _____
39. Public Domain Applications Prepared by _____
Date _____ Checked by _____ Date _____
40. Forest Application Prepared by _____
Date _____ Checked by _____ Date _____
41. Railroad Descriptions Prepared by _____
Date _____ Checked by _____ Date _____
42. Papers & Maps on Indian Land Prepared by _____
Date _____ Checked by _____ Date _____
43. Legal Deeds Prepared by _____
Date _____ Checked by _____ Date _____
44. Easements Prepared by _____
Date _____ Checked by _____ Date _____
45. Ownership Records Prepared by _____
Date _____ Checked by _____ Date _____
46. Summaries Prepared by _____
Date _____ Checked by _____ Date _____
47. Topog plotted by _____
Date _____ Checked by _____ Date _____
48. Irrigation Agreements Prepared by _____
Date _____ Checked by _____ Date _____
49. City Agreements Prepared by _____
Date _____ Checked by _____ Date _____
50. County Agreements Prepared by _____
Date _____ Checked by _____ Date _____
51. Type of Summary No. Entered by _____
Date _____ Checked by _____ Date _____
52. Summaries, Plans and Instruments Agree By _____
Date _____ Checked by _____ Date _____
53. FOR CONTROLLED ACCESS ONLY:
Plan Sheets Show Existing Access Openings By _____
Show New Access Openings by Station and Size _____
Date _____ Checked by _____ Date _____
Existing Roads and Frontage Roads Shown by _____
Date _____ Checked by _____ Date _____
54. Roadway and R/W Plans Agree By _____
Date _____ Checked by _____ Date _____
55. Received by Region R/W Engineer _____ Date _____
56. Approved by Region R/W Engineer _____ Date _____
57. Presented For Conformity Review By _____
58. General remarks

10-155.03

REGION REVIEWS

Ensure that Stage One and Stage Two Reviews are completed.

- Design Process 08-1, Activity 19D, Task 3, calls for a **Stage One Review** of Tasks 1 and 2
- Design Process 08-1, Activity 19D, Task 8, calls for a **Stage Two Review** of Tasks 4, 5, 6 and 7

Conduct the **Final** Right-of-Way Review.

Refer to Sections 10-140 (Sequence of Operations), 10-145 (Design Process 08-1), and 10-150 (Transmittal or Distribution).

10-155.04

FINAL REVIEW SCHEDULE

The review is performed by Region Right-of-Way Engineer, by completing same items listed under **Checking Schedule**.

- Make a detailed review of at least 10% sampling of the Right-of-Way Package
- Forward required changes to the original Engineer/Designer, who makes the corrections
- Review all corrected changes as requested. Ensure all maps, summaries and instruments values agree
- Ensure the Right-of-Way Package is complete and transmit to the Central Office for further processing
- Ensure that all Right-of-Way requirements of Design Process 08-1 are complete
- Ensure that the Project Number is correct. (The number should be a Right-of-Way number and not the design or construction number)
- Check with Program Development to confirm Number
- Ensure that project numbers follow the Federal Highway Administration Guidelines

- (1) Federal-Aid Programs
- (2) Federal-Mandated Identification Systems
- (3) State Funded Projects

(Note: UDOT has stewardship over certain designated federal projects.)

- Ensure that the Air, Noise and Water Quality Requirements of the Environmental Impact Statement (EIS) are complete and updated prior to request of Right-of-Way Authorization
- Request the following when the plans are complete and the EIS confirmed: (1) "Shot Gun" Estimate, (2) Funding Approval and (3) Authorization to Purchase Right-of-Way as follows:

Send two sets of Right-of-Way Plans to the Right-of-Way Division Head, with cover letter addressed to the Chief of Right-of-Way, attention Right-of-Way Acquisition Engineer.

Attached are two sets of right-of-way plan sheets for the above captioned project.

Requested is the "Shot Gun" estimate and the R-709 [FHWA] or R-79 [UDOT] funding approval with a response of the approval date when completed.

- Enter on the RW-53 Summary UDOT or FHWA Approved for Acquisition (Date) from the R-709 or R-79 Approval
- Ensure that the project numbers are correct. Project numbers change due to the funding

10-155.05

CONFORMITY REVIEW

The Central Office Right-of-Way Engineer performs a short, quick review of the maps, deeds, ownership record, and summaries.

- Watch for items and errors requiring corrections
- Ensure that the format of all documents follow the standards and procedures
- Ensure the **type** and **method** of the deeds agree with the ownership records

- Ensure the approval date is entered on Summary RW-53
- Notify the Region when any problems occur, so the Region can have the problems corrected
- Process the Right-of-Way Package to the Right-of-Way Division
- Provide a cover letter describing the Package

10-155.06

CORRECTIONS AND CHANGES

Corrections and changes can be made up until the time of the **Final Review**, with the approval from the Region Right-of-Way Engineer, using Partial or Original Summaries.

Any corrections or changes made after the Right-of-Way Package has been transmitted to the Right-of-Way Division, must be submitted on a Supplemental Summary, with corrected mylars and other required documents.

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10 - 160:

COMPLIANCE - RECORDATION ACT

10-160.01

HOUSE BILL 14

The bill was passed on February 3, 1987, and became effective on April 27, 1987, requiring that a **plat be filled** with the county surveyor's office when monuments are placed.

Surveys affect boundaries and descriptions.

10-160.02

RIGHT-OF-WAY MARKERS

Refer to Standard Drawing 724-1, Right-of-Way Markers

Licensed Land Surveyor certifies and stamps the markers with the following items:

Cross or point, tie from center line, highway station, name UDOT and R/W MKR., and surveyors number

10-160.03

RIGHT-OF-WAY MARKER SUMMARY SHEET

Show columns for station, offset distance, and coordinate values, and column for the as-located coordinate values.

10-160.04

RIGHT-OF-WAY PLAT

Licensed Land Surveyor files right-of-way plat in the County Surveyor's Office showing the following items:

- Ties at given stations, either left, right, or radial from the control or center line as shown on right-of-way plans for each project
- Right-of-way markers and the bearing and distance values between each marker
- Section corners and the basis of bearing
- Ties from right-of-way markers to found section corners, city monuments, or other known monuments of record
- Narrative, containing location, date of survey, surveyors name and surveyors license number

Provide the Region Right-of-Way Engineer with a **mylar copy**.

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10 - 600:

RIVERS, STREAMS, CANALS, ETC.

10-600.01

INTRODUCTION

The State Legislature in 1971 enacted H.B. No. 79, that provides that it is unlawful for a state agency, county, city, corporation, or person in any manner to relocate any natural stream channel, or to alter or change the beds and banks of any natural stream except for certain emergency and other specified purposes without the approval of the State Engineer.

The law applies to channel changes or other impacts upon natural stream channels resulting from highway projects. (See Design Process 08-1.) Application forms are available at the State Engineer's Office.

10-600.02

WATERS DECLARED PROPERTY OF PUBLIC

All waters in Utah, whether above or under the ground are hereby declared to be the property of the public, subject to all existing rights to the use thereof as per Utah Code, Title 73, Chapter 1, Section 1.

Certain sections of the Green and Colorado Rivers were navigable at the time of Statehood, and title to the beds of these sections are vested in the State of Utah.

10-600.03

RELOCATIONS

A. IRRIGATION FACILITY RELOCATION

An irrigation facility is similar to other land service facilities that mitigate damages. Any question regarding whether the cost of the facility equals or exceeds the damages that it will mitigate, have an economic evaluation made by the Right-of-Way Division to support the action of providing or not providing for the relocation of the irrigation facilities.

B. WIDTH OF RELOCATION - EASEMENTS

When relocating existing waterways, rivers, streams, creeks, canals, irrigation ditches, or drainage ditches, sufficient width of easement should be taken to allow for the relocation of the new facilities as well as the work area required for workers, equipment, and storage of materials.

C. RELOCATION OF RIVERS OR MAJOR STREAMS

Relocation of any stream or waterway requires filing of a stream alteration permit with The Natural Resources Division of Water Rights.

Relocation of a portion of a river or stream, when it is necessary, requires an easement of sufficient width to accommodate the channel change for the river or stream, together with the additional area necessary to accomplish the work and to provide for the maintenance and protection of any adjoining roadway. Deduct from the area any areas of the existing right-of-way of the river or stream within the relocation instrument.

D. RELOCATION OF CANALS AND IRRIGATION FACILITIES

Provide in kind (by UDOT) the required right-of-way or easements when a project crosses or in any manner entails the relocation of an irrigation company canal or other facilities.

Write the description in a manner that allows all parties concerned to easily identify and accurately locate the location of such relocation by section ties, local reference, and highway stations.

10-600.04

DRAINAGE EASEMENTS

Prepare an easement of sufficient width to allow for the relocation of the new facilities as well as the work area required for workers, equipment, or storage of materials, when an existing drainage facility is required to be moved outside of the highway right-of-way.

Clearly state the intended use in the heading. Provide release of liability clause, releasing the Utah Department of Transportation from any and all claims. See Subsection 10-1139.17, Easement Release of Liability Clause.

Provide a temporary work easement to accomplish the construction for all areas outside of the highway rights-of-way; that shall expire upon completion of the construction. Include an expiration clause in the easement. See Subsection 10-1139.19, Expiration Clause.

Refer to Section 10-1130, Easements

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:06	Preceding and Adjoining Projects
:07	Equating Projects
:08	Locating Section Corners

10 - 805:

HORIZONTAL GEOMETRICS

10-805.01

REVIEW OF MATERIALS

Review Design Process 08-1 Activity Indexes for the Concept Phase, the Design Phase, and the PS & E Phase, Activity 15C (Identify Land Ownership) and Activity 19D (Develop Right-of-Way Plans) focusing on the Input items and potential contacts in the above activities.

Review and complete the Checking Schedule. See Section 10-155.02.

Obtain and review the Design Study Report (DSR).

10-805.02

DESIGN STUDY REPORT

Study and determine the required items and what to do, such as right-of-way width, drainage, utilities, fencing requirements, channel changes, proximity of buildings, special approaches and other right-of-way related items.

Underline, in red, each item that pertains to right-of-way for follow up action.

10-805.03

EXISTING PROJECTS

Make a thorough search to determine if there has been a previous project, for the same location. For clarity, equate existing projects to new projects with ties and station values, at points along alignment.

10-805.04

ALIGNMENT

Roughly sketch the alignment by using PI to PI distances and deltas of curves along with all corner ties using Township plats.

Determine and order ownerships along the approximate alignment within the township or townships using the above sketch.

Check for Public Domain Lands and State Lands using the above sketch.

Obtain U.S. Survey plats and field books covering the townships and ranges of the project from the BLM in Salt Lake City, Utah, or a branch office. Note the areas of **Public Domain** on plats and confirm with county records.

Check with County and/or City Engineer's office for all current surveys made within the area of the project limits.

Obtain all necessary Deeds of Record and County Ownership Plats. See Section 10-1115.

Obtain alignment and control data from Design Engineer and apply to right-of-way base map.

CAUTION. Do not try to work too fast in preparing and checking the coordinate data. Take a few extra minutes to check for accuracy that will save a tremendous amount of time later.

Prepare and use coordinates to determine a relationship between a number of different points. This relationship is the north-south (latitude) and east-west (departure) distance between these points.

10-805.05

SECTION CORNER TIES

Study existing or new alignment survey information, that may show ties to Section Corners.

Check in the County Surveyor's Office for **reset** corners, or for surveys that have been filed that may give ties and descriptions of found section corners.

Follow the procedure as outlined in Subsection 10-805.08, if no Section Corner information is noted.

10-805.06

PRECEDING AND ADJOINING PROJECTS

Use previous or original projects for a source of information. Many of these projects are retracements of existing highways for the purpose of betterment of alignment, increased width of roadway, elimination of hazards, and additions of certain features to facilitate safety and rapid movement of highway traffic.

Research completed project files, mylars, or linen files, noting the **source of information**, to assist in the organization and layout of subsequent work on the new project.

Make a complete and detailed **investigation** of UDOT files, including federal and local governments to determine the existence of previous projects along the alignment of new projects, or projects that cross the new alignment.

Note on new work copies and checking schedule 10-155.02, all source of information from research and investigation.

Check UDOT files and maps for areas where highway and railroad rights-of-way adjoin or cross.

Refer to Section 10-1140, Railroads, for past and present involvement with railroads.

Determine how existing rights-of-way will affect the new project right-of-way, such as access openings, controlled access, underlying fee to the center of highway, and width of right-of-way.

Check the recorded deed file to verify existing rights-of-way, as to method of ownership, such as a Right-of-Way Deed, Warranty Deed, Quit Claim Deed, or Easement, and the description describing the take.

Exercise care at the beginning and end of the new project, where the project joins the alignment of another project, to determine the status and extent of the land acquired for right-of-way. In many instances, the land acquired will adjoin a 40 Acre Line, 1/4 Section Line, Section Line, or other natural features, even though the project may end at a point elsewhere.

NOTE:

1. Some projects are retracements along roads built prior to 1933, and data as to width of right-of-way is vague. The right-of-way was generally obtained by agreement or dedication. Information regarding right-of-way in these cases will be found on linen tracings of the old project. (Central Office files.)
2. Where well defined county roads are an integral part of the project by crossing or paralleling the new alignment, a 66-foot right-of-way is generally claimed, or such width as determined by investigation of maps, title report information,

or possession lines. The same principle applies to cities, towns, or other subdivisions, that will show definite width of dedicated streets, alleys or other public ways.

3. Use Flags to define the beginning, end, or equations on Right-of-Way Plans.

Reference new projects to old projects or adjoining projects by a flag, using both station and bearing equations if necessary. See Figures 805-2 and 805-4.

Match topography of the new project with the older project to aid in the location of section lines and property lines.

10-805.07

EQUATING PROJECTS

Make a complete check of old projects that adjoin or cross the new project.

Check alignment notes for equations between projects regarding both stations and bearings.

Note that if the bearing equation is not identical with findings on old and new project information from drawings (i.e. work copies or completed office files) check notes in the Field Book to determine possible errors of bearing additions or subtractions. If no decision can be made, check with the project Design Engineer or Preconstruction Engineer for further guidance.

Show the BEGIN and/or END (in flag) of the right-of-way on Federal Aid Projects, when the required right-of-way lies outside of the project limits. See Figure 805-1. Also, show the BEGIN and END of project. See Figures 805-2 and 4.

NOTE: The FHWA will not participate in that portion of the right-of-way beyond the limits of the construction project unless justified fully.

Figures 805-1, 2, and 4 are used for station and bearing equation between different projects.
Figure 805-3 is used for station equation within a project.

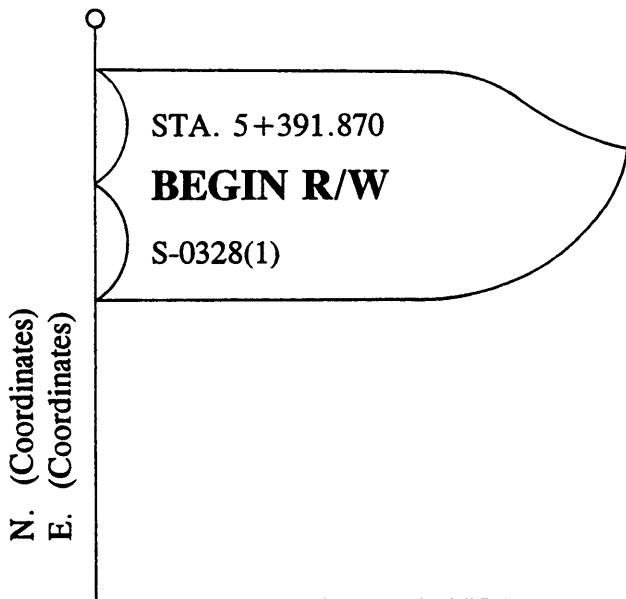


FIGURE 805-1

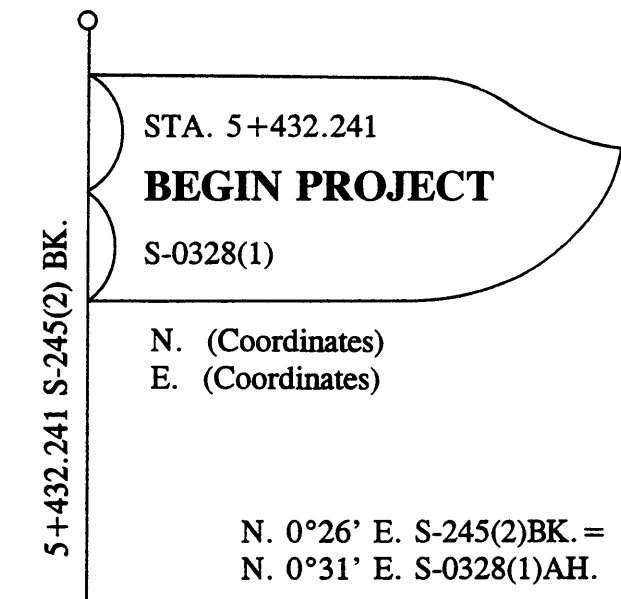


FIGURE 805-2

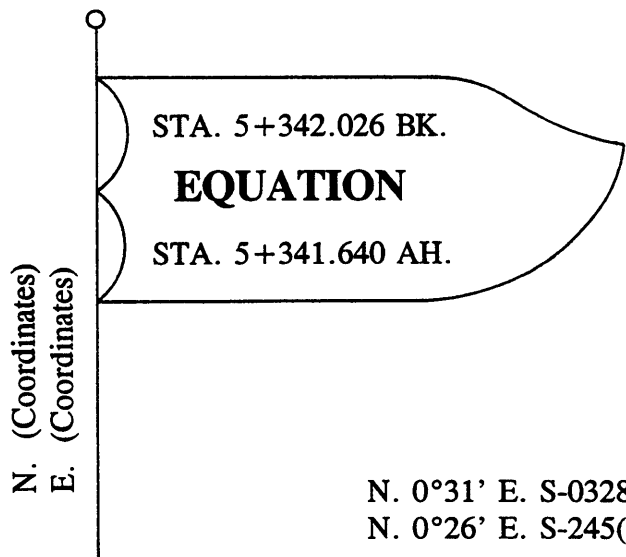


FIGURE 805-3

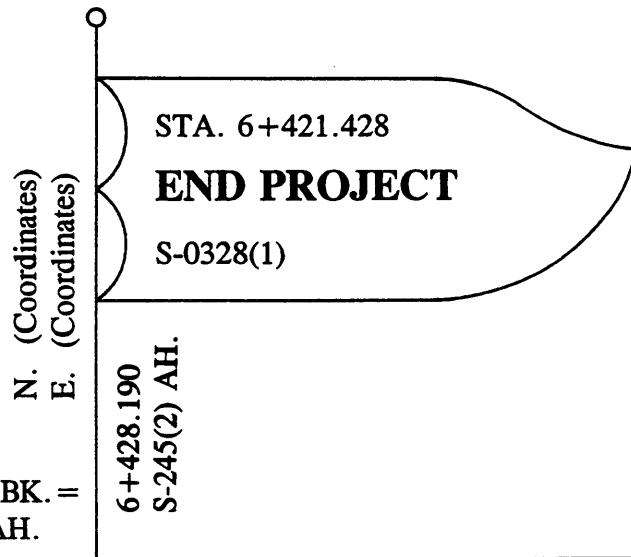


FIGURE 805-4

10-805.08

LOCATING SECTION CORNERS

Finding all existing section corners, witness corners, or monuments and tying them either to the control line or alignment of the project is vital. The following steps may be helpful in locating such corners:

1. **EXISTING PROJECT:** Section corners can be determined by referring to old projects comparing fence lines, ditches, or other data from topography. By using section corner ties from old plans and by relating them to the new alignment, the surveyor can tie these corners to the new alignment.
2. **ADJACENT PROJECTS:** Refer to the found section corners of the ahead and behind projects. Approximate the location of the section corners needed by proration. Calculate ties from each prorated corner to the alignment of the new project. In searching for the corners, a surveyor can use these calculated ties by going to determined stations, angles, and distances, and looking in these areas for the corners. Definite ties can then be made to the new project.
3. **MAPS:** U.S. Geological Quadrangle, Aerial-Photograph, County Plats, BLM, City Monument maps, railroad maps, old highway maps, and other maps, are helpful in determining the approximate location of section corners.
4. **BLM FIELD NOTES:** Use BLM notes that describe the type corners set and topography of the area, to retrace the survey, for example:

East 37.70 chains to Utah Northern Railroad track bears N. 30°30' E., East 40.0 chains set a sand stone (17 x 12 x 5) 11 inches deep marked 1/4 on N side for 1/4 Section Corner, East 60.0 chains to Field Road bears N. 10°30' E.

5. **FENCE LINES:** Fences are helpful in determining the general location of section lines, 40 acre lines, and 1/4 Section lines.
6. **CORNERS MOVED OR DESTROYED:** Because some section corners may have been moved or destroyed, **check** the location of corners. See 10-806.02 Location of Section Corners.

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:08	Step Five - Transit Adjustment Closure
:09	U.S. Survey Standard Identification

10 - 806:

SECTION LINE LAYOUT

10-806.01

BLM SURVEY

The BLM has surveyed public lands into a rectangular system. The object of the system was to mark on the ground and fix for all time legal subdivisions for the purpose of description and disposal of the public domain under the general land laws of the United States.

The rectangular system comprises a survey dividing the land into tracts approximately 24 miles square by means of meridians and parallels of latitude. These 24-mile tracts are then divided into 16 townships, that are approximately 6 miles on a side. These townships are then divided into 36 Sections, each approximately 1 mile square. Each section is subdivided into quarter sections.

The BLM places monuments on the ground designating the established quarter corners and section corners. The monuments consist of pipes, rocks, sandstones, pits, and posts.

Survey notes are recorded in BLM Field Books and copies are available through their Salt Lake City Office. (Public Land Information and Maps Office, BLM Department of Interior)

10-806.02

LOCATION OF SECTION CORNERS

Locate BLM section corners up to one mile from each side of the highway alignment, throughout the length of the project.

Review old highway plans for section corner information.

Survey and tie all found corners, both old or new monuments, to the highway survey.

Obtain aerial photograph maps showing fence lines, buildings, water ways, and local roads where available.

Study the physical features from aerial maps, for the layout and pattern of the BLM section lines, and existing property boundaries.

Compare the type of corners found and dates of survey as described in the BLM notes, with the existing monument.

Calculate lines and coordinates for all of the found corners on the project, based on the highway coordinate system.

Calculate and plot intersections of section lines and quarter section lines crossing the alignment, showing the following:

1. Turned angle from the alignment to the found corner.
2. Distance from the alignment to the found corner.
3. Crossing station of the section line or quarter section intersecting the alignment.

10-806.03

DIFFERENCE BETWEEN BLM AND HIGHWAY SURVEYS

Note that because of the time element, different surveying techniques, or types of equipment used, there will be some difference between the BLM values (bearings and distances) and the highway survey about the location of found corners. Assume that the highway survey contains the more reliable information. Rotate BLM survey bearings to the highway survey.

Proceed with:

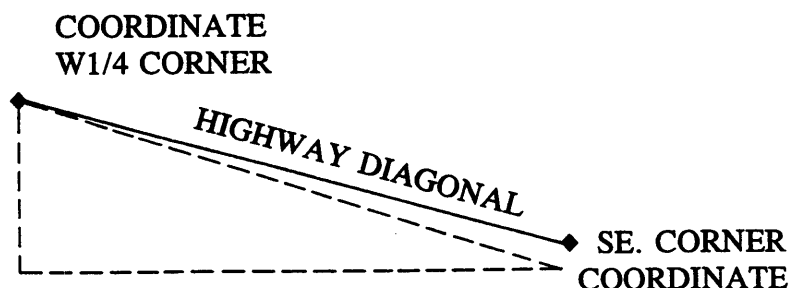
1. All the crossing calculations, when ample corners are found and the highway survey rotation completed.
2. The next item if only a few corners are found (and no existing evidence) or the corners are uncertain, the section lines need to be calculated and adjusted.

The steps and examples in Subsections 10-806.04 through 10-806.08 help in determining the Section Line Layout.

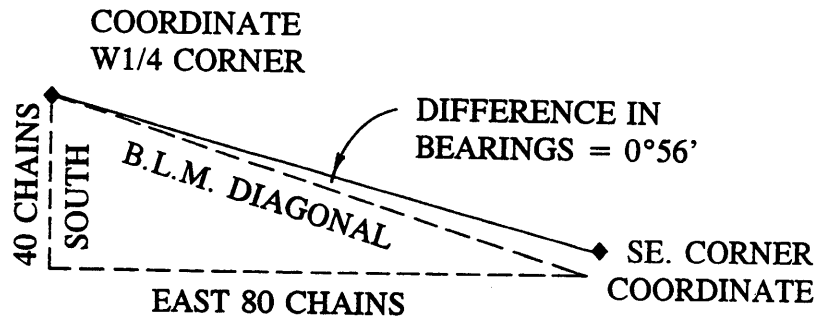
10-806.04

STEP ONE - CALCULATION OF TEST DIAGONALS

Highway Survey Diagonal: Calculate the diagonal bearings and distances between the found corners direct from coordinate to coordinate as shown in the following example:



BLM Survey Diagonal: Calculate the diagonal bearings and distances using BLM data. Start at a found corner, then run along BLM bearings and distances, and compute the diagonal as shown in the following example:



10-806.05

STEP TWO - COMPARE SURVEY DIFFERENCES

Compare differences between the Highway Diagonal and the BLM Diagonal with the following formula:

$$\frac{\text{Difference of Distances}}{\text{Average of Distances}} \text{ equals } \frac{1}{X}$$

Consider that the diagonal test ratios may range for example from 1/100 equals poor to 1/300 equals fair to 1/500 equals good.

Keep in mind that perhaps the true corner was not found, or the corner has been moved or destroyed.

10-806.06

STEP THREE - DETERMINATION OF CORNERS TO USE

Make a comparison between the highway and BLM bearings and/or distances between all the found corners.

Watch for a **pattern** between the corners when making a comparison.

Consider that if one of the corners does not fit the general pattern, perhaps an improper monument was found and tied.

10-806.07

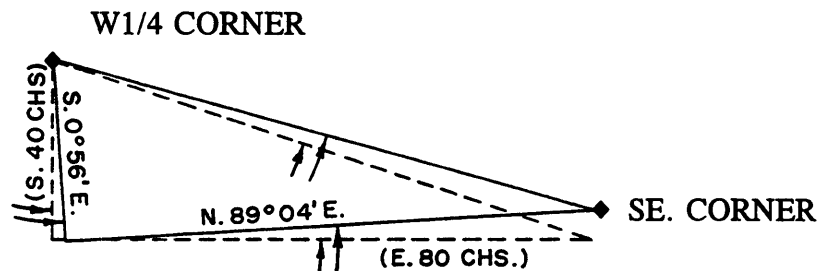
STEP FOUR - ROTATION OF BLM SURVEY TO HIGHWAY

Determine the rotation value, being the difference between the BLM diagonal and Highway diagonal.

Start at highway found corners (Utah State Plane Coordinate System modified) W1/4 corner for example.

Rotate the BLM section lines using the difference of the diagonals, either clockwise or counterclockwise depending upon the direction of rotation. (Note: Property descriptions are rotated the same way.)

Note that in the following example, the BLM Survey is to be rotated counterclockwise $0^{\circ}56'$.



10-806.08

STEP FIVE - TRANSIT ADJUSTMENT CLOSURE

Continue from the starting point, rotate the bearing of the west line of the section from South to S. $0^{\circ}56'$ E. and go a distance of 40 chains (2640 ft); then rotate the south line from East to N. $89^{\circ}04'$ E. and go 80 chains (5280 ft.) to the Highway Found Corner coordinates, and close the traverse.

10-806.09

U.S. SURVEY STANDARD IDENTIFICATION

Refer to U.S. survey publications that address these topics.

1. Standard Township Corner Stone Notches.
2. U.S. Survey Rectangular System of 1796.
3. U.S. Section Line Survey.
4. Subdividing

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10 - 808:

PLOTTING PROPERTY LINES

10-808.01

EVALUATION OF DESCRIPTIONS

In the transfer of title or ownership of land from one party to another, good descriptions should define the boundaries of the land, so that boundaries can be located by a land surveyor.

A description is part of a written instrument (deed or easement), usually recorded in the County Recorder's Office.

A copy of the deed is kept in the recorder's office and is open to public examination. Recording deeds is not a legal requirement.

See Sections 10-1115 (Ownership Record) and 10-1133 (Descriptions).

10-808.02

TYPES OF SURVEYS AND DESCRIPTIONS

Land is conveyed by the U.S. Rectangular System. The Land Office of the Bureau of Land Management (BLM) issued patents conveying land by sections or fractions of sections, such as:

E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 5, T. 12 N., R. 4 W., SLB&M.

All of the NW $\frac{1}{4}$ of Section 12, T. 3 S., R. 2 E., SLB&M.

Use data from Section 10-806, Section Line Layout, when plotting U.S. Survey section lines on plan sheets and total tract maps.

Colonial Survey - In the early Mormon settlement of the Utah Territory, colonial surveys were made, subdividing the land into lots and blocks. Salt Lake City was subdivided by five and ten acre plats, such as:

All of Lot 4 of Block 6, Plat "D," Salt Lake Survey. (5 acre blocks.)

All of Lot 6 of Block 3, FIVE-ACRE PLAT "A," Big Field Survey, 13th So. - 21st So.

All of Lots 2 and 3 of Block 2, TEN-ACRE PLAT "B," Big Field Survey, 21st So. - 33rd So.

Consult the official plat from the County Recorder's Office and/or City Surveyor's Office, when plotting independent or U.S. Surveys.

NOTE:

1. During some time period following the Big Field Survey Layouts, but prior to the time when the counties and/or cities began to officiate in controlling the subdivisions of land and the annexations to the city, there were Quasi-sub-divisions that were annexed as Additions.
2. In more recent years land has been divided by subdivisions containing blocks and/or lots, that are plotted and recorded on an official plat, and certified by a land surveyor.

Lot 10, Celeste Subdivision, Salt Lake County, Utah.

Consult the official subdivision plat from the recorder's office when plotting subdivisions on the plans.

Note that the metes and bounds method of surveys consists of the bearings and distances and the placing of monuments at the several corners, or describing lines along physical barriers, such as fence lines, walls, or other objects.

10-808.03

ESSENTIALS OF A DESCRIPTION

See Section 10-1133, Descriptions, for details.

10-808.04

NATURAL BOUNDARIES AND MONUMENTS

Reject any evident mistake in the description, such as a bearing having been recorded in the opposite direction, or an entire course omitted, when plotting boundaries of land conveyed. The rejection is within the jurisdiction of the party plotting property lines.

NOTE:

1. A surveyed line is a line established by a land surveyor with stated bearing and distance and references by monuments.
2. While fences may be and often are used as monuments, their existence does not conclusively determine the boundary.
3. Show true unresolved conflicts and "As-Occupied" fence boundaries. Make no decision, but portray the problem.

Know the intent of descriptions, such as:

1. Is property conveyed to the center of street, or highway, or to the right-of-way line?
2. Does description say: Less highway, railroad, etc.?

Boundary lines may be between rocks and/or trees or other defined natural monuments.

Clarification of ownership descriptions may be established by reference to the descriptions of adjacent properties, when omissions occur or the description is vague. Sometimes a complete course is omitted. Refer to the ownership acreage or other evidence to help resolve any problems.

Examples of natural boundaries are lakes, canals, creeks, streams, sloughs, and ponds. Refer to other publications regarding ownership near bodies of water, such as:

1. The ownership of land **surrounding** a nonnavigable lake.
2. The ownership of land **surrounding** a navigable lake.
3. A riparian owner adjacent to a navigable lake.
4. The affects of waters edge, center of lake, and dry lake.

Examples of surveyed boundaries are monument lines, block lines, lot lines, section lines, highways, streets, alleys, and railroads.

10-808.05

RESEARCH EXTERNAL PLANS AND PLATS

Railroad and utility maps may be helpful in determining section lines, block lines, property lines, or other monuments that may have been destroyed. (Note: Rotate and adjust the railroad center line to the highway survey, when the railroad survey data is used.)

Research all existing highways in the area when highway information is used. Field books, as-constructed plans, and right-of-way maps are useful in determining property lines. Consider that a highway is often a boundary for a deed description. The intent must be clear, such as: Is the boundary the center of the highway or the right-of-way line?

When the center of a highway is the property line and the deed says, **less highway**, the center line remains the property line. However, the ownership acreage should be treated accordingly by deducting the area within the right-of-way from the total described area of the new highway taking. (Note: Rotate and adjust the old center line to the new highway survey when the old highway survey data is used.)

10-808.06

CITIES AND COUNTIES

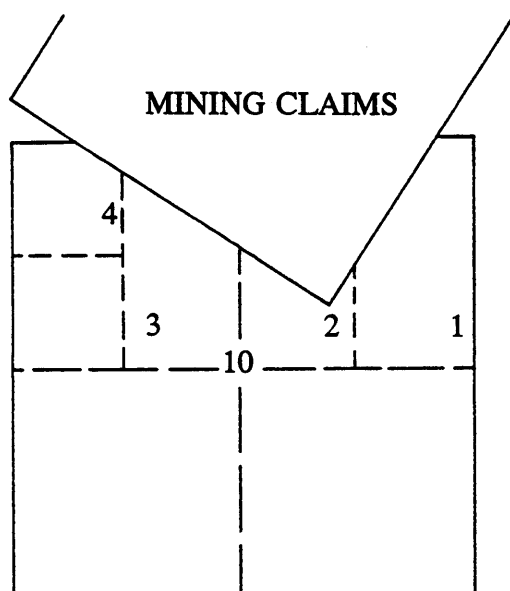
Remember that cities and counties often have their own independent surveys that establish monuments, monument lines, and street widths. For more data obtain city survey maps or survey field book data from the city engineer's office or county area reference maps and ownership plats from the respective county recorder's office, county engineer's office, or county surveyor's office.

10-808.07

MINING OR OTHER CLAIMS

Mining claim surveys are recorded on the BLM maps and can be obtained from the BLM office.

"Where mining or other irregular claims were taken up prior to the general survey, that part of the area of such claim or claims, lying within a section, were taken from that particular section and the remainder of the particular subdivision made into lots, area computed and number given." ("Clark on Surveying and Boundaries," Paragraph 203.)



Placer Claims are:

1. Patented claims (sometimes involved state water-ways) were surveyed at random sizes.
2. Mineral rights on federal land (federal retained ownership)

Lode Claim are:

1. Patented claims on mineral survey (1) mineral and surface rights separated, and (2) held together.
 - (a) 600 to 1000 ft. by 100 ft. (early patents).
 - (b) 1500 ft. by 600 ft. standard (later patents).
2. Mill site patent.
3. Mineral rights on federal land (Federal retained ownership).

10-808.08

PLOTTING WITH SECTION LINE LAYOUT

Plot point of beginning directly from the description, using found and adjusted section corners, then proceed with courses and distances.

Plot other descriptions, compare point of beginnings and the courses and distances.

Check each description to see if the boundary closes.

Compare courses and distances with topography data.

10-808.09

PLOTTING WITH NO SECTION LINE LAYOUT

Use topography data of fence lines, ditches or other physical objects in determining property and section lines, when section corners have been moved or destroyed.

When a deed writer has nothing to start a description from, the following method may be of use:

1. Take a large sheet of vellum. Plot assumed section lines (using BLM plats or field notes). Then plot all descriptions on vellum, using assumed section corners.

2. Overlay vellum on right-of-way plan sheet. Adjust vellum so plotted property lines fall on fence lines, ditches, or other physical objects. Keep in mind this process will only establish an approximate location of property and section lines. Treat deeds accordingly when writing descriptions.

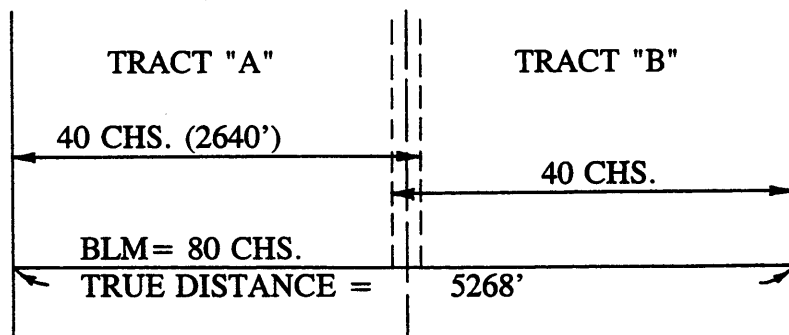
10-808.10**CONFLICTS - OVERLAPS AND GAPS**

Courts are to solve unresolvable disputes between adjoining landowners over the location of a boundary line, unless the parties can come to an agreement themselves.

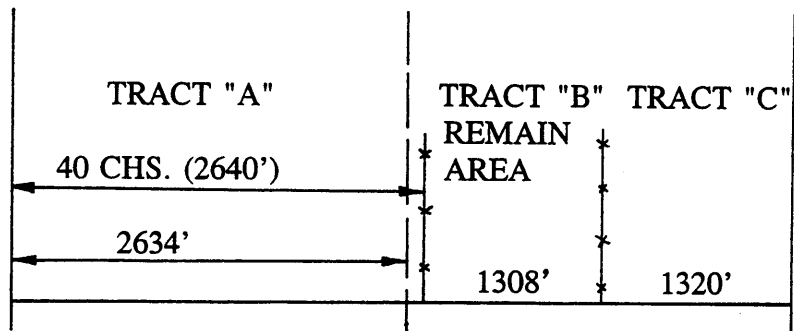
When an agreement is reached regarding the location of a boundary line, and both owners occupy to that line, the agreement is binding even though no court has intervened in the matter.

In the first of two examples, an overlap exists. The second example shows how a shortage was created by the property owner.

Example 1: Patent reads 80 chains (5280 ft.), but the true distance on the ground is 5268 ft., 12 ft. short. Tracts "A" and "B" read 40 chains (2640 ft.). The true distance is 2634 ft.



Example 2: A fence was placed 2640 ft. from the west section line by the patent property owner; he conveyed Tract "A" to another party and retained Tract "B"; both parties occupy to the fence line. The patent property owner then conveys 20 chains (1320 ft.) known as Tract "C". The land retained by the patent property owner is 12 ft. short.



Remember, when plotting property lines, interpret the **intent** of what lands are being conveyed in the description.

10-808.11

SENIORITY RIGHTS

Look at the dates of deeds for **seniority rights** (prior rights). Consider the wording of the description of each deed when an apparent conflict exists between property descriptions.

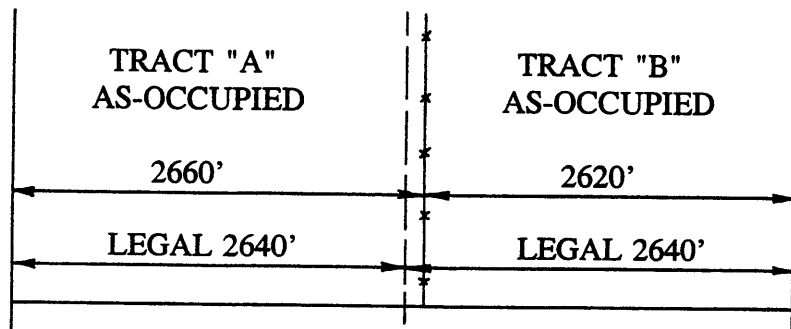
Determine seniority rights of one property over another when an apparent conflict exists by the date when the two parcels were created, not when the deeds were recorded.

10-808.12

PLOTTING OCCUPIED LAND

In many cases, property owners occupy more land than they legally own.

Example



Plot both the legal and as-occupied lines, when both property owners occupy to the fence line. Prepare both a legal and as-occupied descriptions for highway purposes. See Subsection 10-1133.16, Legal and As-occupied.

10-808.13

PLOTTING AIDS

1. Computer
2. Protractor
3. Area Reference Maps
4. BLM Maps
5. U.S. Geological Survey Quadrangle Maps
6. Aerial Photograph Maps
7. Chain Scale, Foot Scale, Metric scale, etc.
8. City Monument Maps
9. Railroad Maps
10. Old Highway Maps
11. Standard Drawing No. 110 for Symbols

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10 - 812:

RIGHT-OF-WAY MAPS

10-812.01

BASE MAPPING

Use the Metric System on all plans. See 10-815, Metric System.

Provide maps drawings on MYLAR, that are to include:

1. Index and intermediate contours
2. For drainage or irrigation along the highway or on private land adjacent to the highway show existing ditches (direction of flow), pipe inlets, and pipe culverts (label by size, type, and location)
3. Any streams whether intermittent or flowing
4. Natural or drilled springs
5. Existing vegetation (trees) outline
6. Existing roads (type and size)(paved, dirt, or abandoned)
7. Fences along the highway or adjacent to the highway
8. Existing utilities
9. Existing right-of-way lines, right-of-way fences, and right-of-way markers
10. Existing gates and/or access openings.
11. Existing buildings, structures, bridges, and barns.

10-812.02

SECTION LAYOUT

Show all existing found corners, identified and laid out for the entire project.

Show and label section lines, 1/4 section, and 40 acre lines on each side of the plan sheet. Use upper case facing North. See Section 10-110, Conventional Symbols and Signs for size.

Identify and label each Section aliquot (facing North) in the center of each aliquot as follows:

Example: NE1/4NE1/4
SEC. 10

Show found corners with a solid diamond and identify, such as:

FOUND CORNER	FOUND CORNER
MARKED STONE	BLM BRASS CAP (date)
N. 123456789	N. 123456789
E. 123456789	E. 123456789

1. **Station** where the BLM Line crosses control line.
2. **Turned angle** of BLM Line crossing control line.
3. **Distance** between the station and the found corner.

EXISTING CENTER LINE

Exist P.T. 183+44.38 (English)
5.084 Rt. 18+459.071 (Metric)

10-812.04

EXISTING RIGHT-OF-WAY LINES

Lay out existing right-of-way lines according to the existing right-of-way markers, plans, deeds, or other evidence.

Place ties to the existing center line at every P.C., P.T., and every angle point in the right-of-way line.

Place dimension call outs at both edges of every plan sheet. Dimension call outs should reflect the tie call-outs on the existing right-of-way plans.

Label the existing right-of-way lines on both ends of the plan sheet as follow: (See Section 10-110)

— — — — —
Existing HWY R/W Line

10-812.05

EXISTING RIGHT-OF-WAY MARKERS

Locate, survey, and identify the markers on the plans as follows:

Sta. 16+737.633 61.180 (Meters) Rt.
Exist. Right-of-Way Marker

10-812.06

EXISTING ACCESS OPENINGS

Show on the plan sheets existing access openings, as granted by the legal instruments, by proper symbol.

Provide notes referencing the size and station. See Section 10-820, Access Control.

Include in the note whether the opening will remain open with the new station and offset, or if the opening is to be closed, or relocated. Provide notation to explain the note as follows:

Sta. 173+52.78 Exist. 20' Access Opening
Sta. 18+308.878 (Center Line) 28.277 (Meters) Lt.
Provide New 4.880 (Meters) Access Opening

Sta. 173+52.78 Exist. 20' Access Opening
TO BE CLOSED

Sta. 173+52.78 Exist. 20' Access Opening
TO BE CLOSED - ACCESS PROVIDED BY FRTG RD

Provide note when an existing break in the Limited-Access Line is to be closed, as follows:

STA. 18+088.723 LT. to STA. 18+085.769 LT.
CLOSE EXIST. BREAK IN L/A LINE - ACCESS
PROVIDED BY FRONTAGE ROAD

10-812.07

PROPERTY BOUNDARY LINES

Ensure the Section Line Layout is completed, checked, and reviewed before plotting property lines.

Refer to Section 10-808, Plotting Property Lines.

Plot subdivision and surveyed boundaries from their plats to the plan sheets.

Plot the boundaries of railroads, canals, and streams as evidenced by their features.

Plot the matrix of all fitted properties into the aliquot frame.

Show unresolved conflicts and "As-Occupied" fence boundaries. (Note: Make no decision, but portray the problem.)

Use fence lines, older deeds of records, and aerial maps to determine the intent of property surveys.

Show on plans, any gaps or overlaps.

Show property lines by a string of dash lines. See Section 10-110.

_____ Place a PL on the dash line

IMPORTANT, do not alter the distances from the ownership descriptions, by changing the distances values, to make all the properties fit current surveys values. Show on the map both values as follows:

Distance _____ by record (but measures _____)

10-812.08

PLAN SHEETS

Complete maps from border to border, portraying contours, topography, existing features, surveys, grid ticks, and utilities.

Show on maps the new control/center line, right-of-way lines, political boundaries, sectionalization, north arrow, scale, geometric control, and parcel identification.

Show in detail new roadway features such as cut and fills, curb and gutter, and drainage facilities.

Refer to Section 10-110 (Conventional Symbols and Signs), Section 10-1120 (Determining Right-of-Way Requirements), and Section 10-1125 (Numbering System).

10-812.09

NEW CENTER LINE

Generate and show the control/center line on plan sheets as a solid line. See Section 10-110, or Standard Drawing 110.

Label the control/center line (alignment) with State Route designation or local street name, e.g. as SR-91.

Show the bearing value, e.g. N. 15°45'34" E.

Example: SR-91 N. 15°45'34" E.

Show stationing ticks every 20 meters, laying to one side, and ticks every 100 meters that cross the center line and are longer. See Standard Drawing 110.

Note that data for new center lines is similar to detailed items under existing control line. See Subsection 10-812.03.

Label control/center line bearings, P.C.'s, P.T.'s, curve data, as provided in the Roadway Plans.

Do not show parcels on roadway plans.

Note that right-of-way and roadway plans are similar. The plans must agree in detail and content.

10-812.10

NEW RIGHT-OF-WAY LINES

See Section 10-1120, Determining Right-of-Way Requirements, for an overview.

Focus on UDOT types of right-of-way lines:

RIGHT-OF-WAY LINE

HWY. R/W & N/A LINE

HWY. R/W & L/A LINE

FRTG. RD. R/W LINE

Show all **new** right-of-way lines in **upper case**.

Show **existing** right-of-way lines in **lower case**.

Existing HWY. R/W Line

Increase the pen size in weight when the right-of-way line is a parcel line.

Show fill slopes with dash lines and label **TOE OF FILL** or **FILL**.

Show cut slopes with solid lines and label **TOP OF CUT** or **CUT**.

See Section 10-110, Conventional Symbols and Signs.

Provide at the BEGINNING of a controlled access facility, a leader with arrow pointing from the beginning point in line to the notation in the following manner:

BEGIN N/A LINE (Show leader)

Provide at the END of a controlled access facility, a leader with arrow pointing from the ending point line to the notation in the following manner:

END N/A LINE

Provide a break in the limited-access line where cross streets abut an expressway and requires access. Use notes to indicate the break on the maps:

END L/A LINE, 30.5 m Lt. Sta. 1+856.348 (Provide leader)

Note: Leave a blank space in the line 30.5 m wide.

BEG L/A LINE, 30.5 m Lt. Sta. 1+866.848 (Provide leader)

10-812.11

PARCELS

Show the boundaries of all parcel takes in a **heavy line**.

Change property, 1/4 Section, and 40 acre lines to **solid heavy lines**, when portions of the lines (shown by a dash lines) become parcel lines.

Show all **parcel dimensions** around the parcel take. The dimensions must agree with the instrument description.

Show the **assigned parcel number** in a balloon. The balloon lies inside the parcel take, if practical, or outside with an arrow leading from the balloon to the parcel area.

Provide leader(s) from the balloons to all portions within each parcel to ensure clarity if two parcels overlap due to conflicts.

Refer to Section 10-1125, Numbering System, for overview on assigning parcel numbers, and to Section 10-110, Conventional Symbols and Signs, for balloon sizes.

10-812.12

POLITICAL BOUNDARIES

Show all subdivisions, city surveys, forest boundaries, corporate limits of cities and towns, or county lines, on the plans.

See Section 10-110, Conventional Symbols and Signs, for line styles and symbols.

Show and label all the required political boundary lines.

Note that there is a difference between a Forest Service boundary and Forest Service property. Private lands may lay within the Forest Service, but when the Forest Service owns property in fee, the Forest Service is the sole owner.

Label Forest Service in **large bold letters**, as follows:

CACHE NATIONAL FOREST

Label the name of the incorporated city, as follows:

**BRIGHAM CITY
(INCORPORATED)**

Label lots and blocks, facing north according to survey plat, as follows:

**LOT 4
BLK 10
PLAT "A"
MANTUA SURVEY**

Label recorded subdivisions

10-812.13

SCALE

Provide a bar scale on each plan sheet.

Locate, when possible the bar scale, in the lower right corner of the plan sheet.

10-812.14

NORTH ARROW

Provide the standard north arrow for each plan sheet, as shown on Standard Drawing 110.

Show each arrow facing North.

Show the Township, Range, and Base and Meridian as part of the north arrow, except when Township and Range Lines appear on the plan sheets. In the latter case the data is shown along the lines.

Place the north arrow in a practical place out side of the highway right-of-way lines.

10-812.15

GEOMETRIC CONTROL

Place northing and easting grid ticks for the entire plan sheet every 100 meters, in both directions.

Provide a statement on the coordinate system used in the lower right corner as follows:

Project calculations are based upon the Utah State Coordinate System Modified.

Provide either the Datum Adjustment Factor (DAF), or Combined Adjustment Factor (CAF).

Show northing and easting coordinates on the plan sheets at the following locations:

1. Beginning and ending flags
2. All curve data
3. Equations
4. Found section corners
5. Any other place as necessary

10-812.16

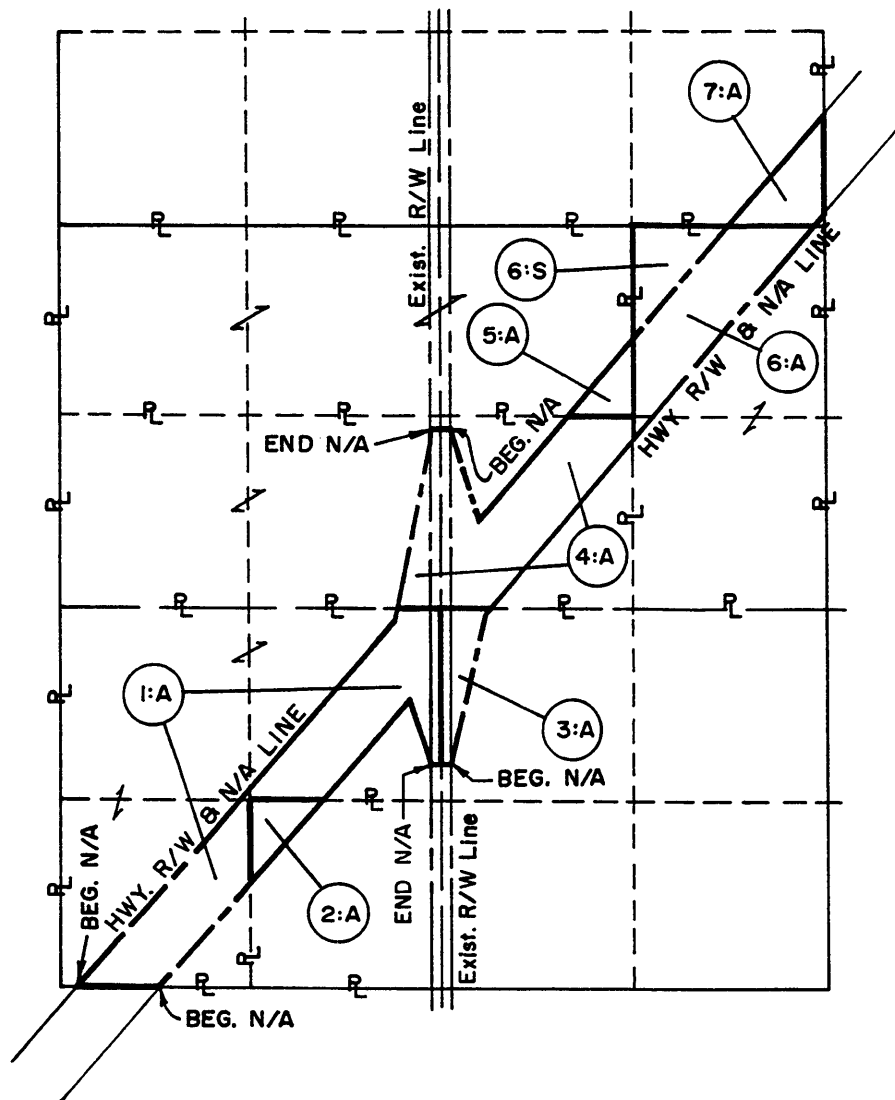
PARCEL IDENTIFICATION

Use parcel numbers to identify ownership, takings, easements, agreements, and surplus property.

Review Section 10-1125, Numbering System, wherein a detailed discussion on parcel numbers.

Refer to Section 10-110, Conventional Symbols and Signs.

See the following example, that shows the general intent in using parcel numbers on maps:



10-812.17

MAP SUMMARY

Include a right-of-way summary on each plan sheet if there is a parcel involved. Place the summary in the upper left corner of the plan sheet or on a separate summary sheet, depending upon available space.

Show all of the parcel(s) that are shown on each sheet.

Note that on large projects, that have many plan sheets, the recommendation is to have a separate sheet(s) containing all the summaries. Identify each summary by using the corresponding plan sheet number.

See Subsection 10-110.02, Roadway Manual Conventional Symbols and Signs, for the summary forms.

See Section 10-1126, Summaries.

Show all parcel actions on the summary, to reflect the history or events of the highway right-of-way involvement with the landowners.

Underline in ink all required parcels shown on the map summary when the landowners property is condemned. **Underlining of the parcels is a code and reserved for condemnation action only.**

Note that all parcel numbers, landowners, and area values on map summaries **are to agree** with the other summaries, deeds, easements, and ownership records.

Remove the parcel(s) from the plan sheet and map summary when a parcel is voided.

Complete (fill in) all columns on the map summary.

Reflect revised descriptions and changed area values on map parcels and summaries.

10-812.18

EXAMPLES:

Obtain and review the older projects when new projects overlay order projects.

Use the different types of projects from each Region and the Central Office **as examples**.

Obtain **examples** from the Region Right-of-Way Engineer.

Use **current** design standards.

10 - 815:

METRIC SYSTEM

10-815.01

INTRODUCTION

UDOT used the English measurement on right-of-way projects designed prior to October 1, 1994, and the metric system on all subsequently designed projects. To help to help in the transition from English measurement to the metric unit a manual defining metric conversions has been developed by UDOT. The manual covers units, terms, symbols, and conversion factors, right-of-way, roadway design, and structures.

10-815.02

APPLYING METRICS

Use metric values for all parcels. For example, multiply the English foot value by 0.3048 to convert to meters, and carry meter values to three places in the deeds, summaries, and maps.

Show all parcel dimensions (metric value) on the plan sheets and in the descriptions.

Insert the following, after each description using metric values:

(Note: To obtain distances in feet, divide above metric distances by 0.3048. Multiply above square meters by 10.764 to obtain square feet.)

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10-820.01

APPLICABLE POLICIES

- 08A-1 (new format) or 08-47 (old format prior to conversion to new format), Construction and Maintenance of Right-of-Way Fence.
- 08A3-11, Access Control for Interstate Highways and Expressways.
- 08A3-12, Access Control for Highways Other Than Interstate Highways.

10-820.02

LEGAL RIGHTS OF ABUTTING OWNER OR OCCUPANT

Right of passage, rights of access, light, and view.

The right of access includes the right of ingress to and egress from the abutting land, and is appurtenant to the land (Not with landowner).

The right of the abutter has been defined as an easement in the highway, which is as much a property right as the land itself to which it pertains.

The right of the public in the highway is superior to private rights. The abutting landowner may not interfere with the use of the highway by the public.

10-820.03

THREE CLASSIFICATIONS OF RIGHTS-OF-WAY

- Full Control of Access (Usually on freeways)
- Partial Control of Access (Usually on expressways)
- Uncontrolled Access or free rights of access (Permitted)

NOTE

1. Some projects may have a combination of the three.
2. For Interstate System projects, full control of access is required by statute, so the decision as to the degree of control is no problem.

10-820.04

AUTHORITY TO CONTROL ACCESS - 08A3-11

- **Full Control of Access** for Interstate Freeways and Expressways designed to Interstate standards.
- **Access Control** for Expressways and Highways other than Interstate Freeways.
- Procedure for Administration of **Partial Access Control**.

10-820.05

TOTAL TRACT MAPS

Use to portray all tracts of land of the properties affected by the highway, to determine access damage, and to identify lands that will become land-locked. (Show tracts in their entirety.)

Use for full and partial control of access highway projects, or when deemed necessary by the Engineer.

Illustrates all existing means for access to and from the landowners property, all existing streets and roads, new highway limits, proposed frontage roads, and access structures.

Used by Right-of-Way agents, appraisers, and others.

Refer to Section 10-825, Total Tract Map.

10-820.06

FULL CONTROLLED ACCESS HIGHWAYS - 08A3-11

Access Control for each project must be **formally designated** by the Transportation Commission or authorized by UDOT's Executive Director, Deputy Director, or Regional Director.

Freeways, expressways designed to freeway standards, or highway portions deemed necessary by highway authority.

Illustrate on UDOT maps the highway taking by a line symbol as follows:

HWY R/W & N/A LINE

FREEWAYS - full control of access (N/A = no-access)

NOTE

1. On older projects prior to about 1965, the maps read L/A LINE (Limited-Access Line), but have the same meaning as N/A. Read the **intent** of those deeds of taking to determine the particular type of control.
2. The control of access **is acquired** by the clause in the deed. Merely drafting and labeling a line on the map does not legally control the access.
3. The control of access clause is placed after the description in the deed.

See Subsection 10-1139.12, Control of Access Clause, For Deeds, that shows the clause for full control of access.

Use RW-04 (group) and RW-08 (group), Subsection 10-1131.01, Alphabetical Instrument Form **Index** (located in separate book), showing the various deeds by group, the **full control of access clause**.

See RW-04 (group) and RW-08 (group), Subsection 10-1131.03, Explanation of Standard Forms (located in separate book), showing the various deeds by group with the control of access clause.

10-820.07

UTILITY LOCKED GATES:

Provide **special openings** to utility companies, only upon approval by FHWA or UDOT Executive Director, due to physical location, travel, existing valves, canals, that warrants the opening.

Call out in the control of access clause and show on the Right-of-Way Plans special openings in the following manner:

To enable the Utah Department of Transportation to construct and maintain a public highway as a freeway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location

thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owners' remaining property contiguous to the lands conveyed, to or from said highway; EXCEPTING and reserving to said Owners, their successors or assigns, the right of access to the nearest roadway of said highway over and across the westerly right of way line for One 8 meter section, which said section centers at a point directly opposite Highway Engineer Station 12+255.000. Said 8 meter section is restricted for a utility access gate only and said gate is to remain locked at all times.

10-820.08

CONTROLLING ACCESS WITH CERTAIN CONDITIONS

Often at intersections, cross roads, or along right-of-ways, the parcel taking extends beyond the end of the required control of access. The portions within the parcel, requiring the control of access, need to be defined so UDOT can acquire the landowners rights of ingress and egress over said portions.

1. Call out, designated points to define the limits of the full control of access in the description, and portray on the right-of-way maps.
2. The remaining portion, lying outside of the designated points will provide the landowner free access to or from the existing cross road.

10-820.09

DESIGNATED POINTS "A," "B," "C," "D"

Use designated points to control the access along a portion(s) of a line(s) in the description and on right-of-way maps.

Design a course to the desired point, designated as Point "A," tied from the center line station, then go to designated Point "B," or other desired points, such as "C," "D."

Modify the end of the control of access clause as shown below.

To enable the Utah Department of Transportation to construct and maintain a public highway as a freeway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of

Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owners' remaining property contiguous to the lands conveyed, to or from said highway **between said designated Point "A" and said designated Point "B."**

10-820.10

FULL CONTROL AND FRONTAGE ROADS

Note that when a new controlled access highway cuts through several tracts of property, county, or state roads, the new highway creates conditions where frontage roads may be required to link roads together, or re-establish an existing street system. In such conditions consider the following:

1. Landowners may have access by means of a back or side street, or no access at all.
2. UDOT may need to acquire the severed tract if part of a remaining property is severed and will be without access.
3. Access roads and/or frontage roads may be necessary to provide access for a group (two or more) landowners across an entire tract of property to lessen the impact of damage.

Write one description to encompass the land needed for both the freeway (or expressway) and frontage road, when the frontage road is adjacent to the freeway.

Use Forms RW-22 (group) and RW-23 (group) located in Subsection 10-1131.01, (in separate book) to control the inner N/A Line that the public and the landowner can not cross.

See Subsection 10-1131.03, Explanation of Standard Forms, RW-22 (group) and RW-23 (group), for further explanation.

10-820.11

EXPRESSWAYS WITH ACCESS OPENINGS - (See 08A3-12)

Limited-Access Highways: Similar in nature to Full Control Access Highways, except there may be access openings granted at designated points by Policy 08A3-12.

Expressway: **Limited** control of access (L/A = limited-access) with access openings, (and/or with the possibility of later obtaining access), and includes breaks in limited-access line for public streets or roads.

Limited-Access Control: Used on expressways and along portions of a highway deemed necessary by highway authority (For controlling access for certain conditions see Section 10-820.08).

On all UDOT highway maps, show the highway limits by a line symbol as follows:

HWY. R/W & L/A LINE

See Subsection 10-1139.13, Control of Access Clause, Excepting, For Deeds, showing a clause that provides an access opening(s) in the limited-access line.

Use RW-03 (group) and RW-07 (group), Subsection 10-1131.01, Alphabetical Instrument Form **Index** (located in separate book), showing the various Deeds by group, showing deeds with **control of access clause** providing an access opening(s).

See RW-03 (group) and RW-07 (group), Subsection 10-1131.03, **Explanation** of Standard Forms (located in separate book), showing the various Deeds by group with the control of access clause providing an access opening.

10-820.12

ACCESS OPENINGS - See 08A3-12

Access opening(s) **run with the land** and not with the landowner. When land is sold the right of access goes with the property.

SIZE: Provide 8, 14, or 15 meter wide openings.

10-820.13

PARCEL NUMBERING - ACCESS CONTROL

Add the **extension** ":A" to the assigned parcel, used for access control, to acquire rights of access. See Subsections 10-1125.07 (Assigning Parcel Numbers) and 10-1125.09 (Type of Parcel Taking).

Show parcel with extension in the instruments, summaries, map summaries, and inside parcel balloons on plan sheets.

Add the **extension** ":AQ" to the assigned parcel and show in the Grant of Access, Change of Access, and Agreement for Change of Access. See 10-1150.10, "Q" Deed Parcel Numbering.

10-820.14

GRANT OF ACCESS - 08A3-13

Show assigned parcel with extension. See Subsection 10-820.13.

Determine and show the new access opening location opposite a designated engineer station.

The opening **size or width** is partially based upon the regulations by the policy, the landowner's needs, and engineering safety.

Note that UDOT grants to the landowner the right of access. The Chief, Right of Way signs the instrument as provided in the acknowledgment and notary clause. See example 10-820.22.2

10-820.15

CHANGE OF ACCESS - See 08A3-12

Show assigned parcel with extension. See Subsection 10-820.13.

Use this instrument when the size or width of an **existing** access opening is to be increased or decreased.

Opposing engineer station (location) remains the same.

The Chief, Right of Way signs the instrument as provided in the acknowledgment and notary clause. See example 10-820.22.1

10-820.16

AGREEMENT FOR CHANGE OF ACCESS - 08A3-12

Show assigned parcel with extension. See Subsection 10-820.13.

Use this instrument when the size and/or location of **existing** openings are to be changed.

Requires the signatures of the landowner(s) and the UDOT Chief, Right of Way. See example 10-820.22.3.

10-820.17

CLOSING AN EXISTING OPENING

Landowner releases and relinquishes all rights in and to their **existing** access opening(s) of record. See example 10-820.22.4.

10-820.18

ILLEGAL OPENINGS

Monitoring and enforcing the control of access required by regions.

Illegal openings on new projects should be either closed, a Change of Access or a Grant of Access instrument executed when approved.

10-820.19

PUBLIC OPENINGS

Show Beg. & End of L/A Line for limited-access highways when intersecting cross roads, such as county roads, and city streets.

Refer to Section 10-812, Right-of-Way Maps.

10-820.20

UNCONTROLLED-ACCESS HIGHWAY

The Landowner has the full use and enjoyment of access traveling to and from the highway, except as regulated by city, county and state authority, or by the covenants on the County Plats.

The current manual, "Regulations For The Control And Protection Of State Highway Rights-of-Way" provides guidance for controlling access by means of curb and gutter, fencing, driveway entrances.

10-820.21

EMINENT DOMAIN

Refer to Chapter Seven in "Evidence and Procedures for Boundary Location" by Brown and Eldridge and book titled "Acquisition for Right-of-Way" by AASHTO.

10-820.22

EXAMPLES RELATING TO ACCESS CONTROL

A. EXAMPLE FOR CHANGE OF ACCESS

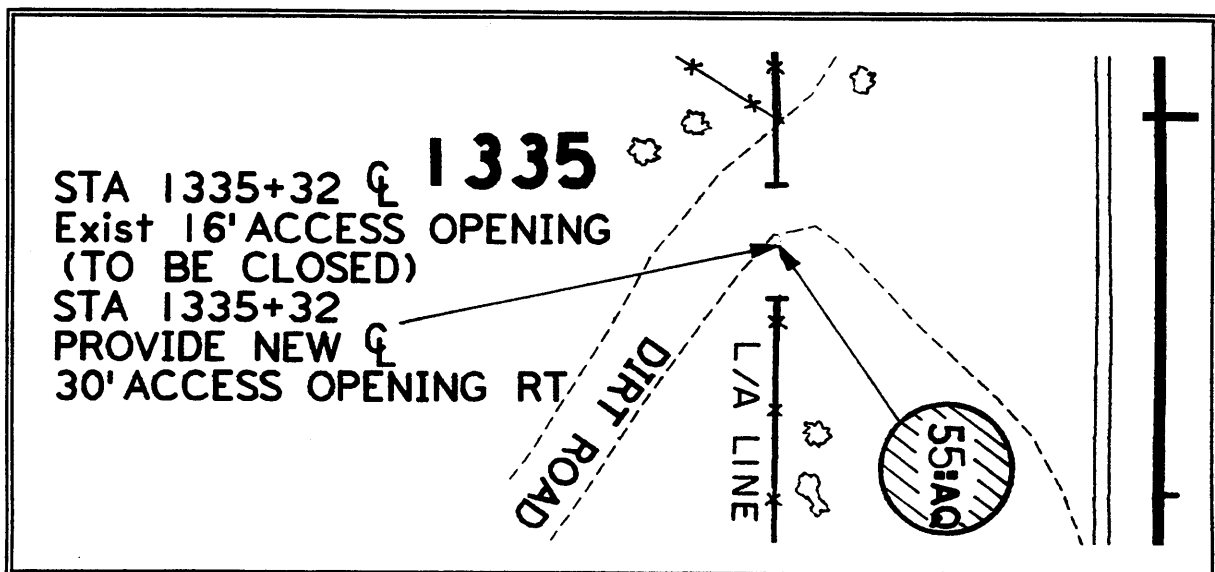
- Example based on the landowner having an existing 16-foot opening in a rural area. On the new project the example increased to a 30-foot opening at the same location.

REQUIRED ITEMS FOR THE PLAN SHEET:

1. Use metric values in current instruments.
2. Show balloon with the parcel number and the extension :AQ.
3. Show by note each access opening by station and the size.
4. Show a leader from the note to the access opening in the L/A Line.
5. Explain what is happening: Provide new opening and close the existing opening.
6. Comply with Policy 08A3-12 as to quantity and size.
7. **IMPORTANT!** The cross-hatching in the balloon is made after the instrument is executed. (Note: Cross reference to existing projects by Note.)

REQUIRED ITEMS FOR THE CHANGE OF ACCESS INSTRUMENT:

1. Existing document referenced by Entry No., Book, Page, and County Recorder.
2. Monument and/or BLM tied to the access opening for locating or plotting.
3. UDOT Chief of Right-of-Way is authorized to sign the instrument.



Example 10-820.22.1**CHANGE OF ACCESS**

(CONTROLLED ACCESS)

Parcel No. 0040:55:AQ

Symphony County

Project No. STP-0040(16)138

The **UTAH DEPARTMENT OF TRANSPORTATION**, by its duly appointed Chief, Right-of-Way, **Grantor**, of Salt Lake City, County of Salt Lake, State of Utah, hereby **GRANTS** to _____, **Grantees**, hereinafter called "**LANDOWNERS**" at _____, County of _____, State of _____ zip _____, an **INCREASE IN SIZE** of an existing access opening of record in Symphony County, State of Utah, for the consideration of the benefit of the **LANDOWNERS** and for other good and valuable considerations, the sufficiency of which is acknowledged, to-wit:

WHEREAS, said **LANDOWNERS** own a certain tract of real property adjoining the easterly right of way and limited-access line of the existing controlled-access highway State Route 40, situate in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T. 4 S., R. 21 E., S.L.B. & M., in Symphony County, State of Utah, and have certain rights of access to or from said highway by way of an access opening over and across said easterly right of way and limited-access line for One 16-foot section centered at a point opposite Highway Engineer Station 1335+32, as granted in that certain Warranty Deed recorded as Entry No. 6660-86 in Book 418 at Page 393 in the office of the Symphony County Recorder, Utah, and

WHEREAS, due to the improvement of said State Route 40, it is now the desire of said **UTAH DEPARTMENT OF TRANSPORTATION** to increase the size of said existing 16-foot section to a width of 30 feet.

NOW THEREFORE, said existing access opening is hereby increased from One 16-foot section to One 30-foot section, which said section centers at a point directly opposite Highway Engineer Station 1335+32. It is further acknowledged that the terms herein shall become an addendum to and part of the Excepting and Reserving clause in said Warranty Deed of record and in no way shall it be construed that there is more than one access opening.

The center of said 30-foot section is located approximately 432 feet east and 218 feet south from the Northwest corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32.

(NOTE: USE METRIC VALUES FOR ALL NEW STATIONS, DISTANCES AND TIES)

Continued on Page 2

SECTION 10-820 - ACCESS CONTROL

PAGE 2

Parcel No. 0040:55:AQ
Project No. STP-0040(16)138

IN WITNESS WHEREOF, said UTAH DEPARTMENT OF TRANSPORTATION has caused this instrument to be executed this _____ day of _____, A.D. 19__, by its Chief, Right-of-Way.

STATE OF U T A H) UTAH DEPARTMENT OF TRANSPORTATION
) ss.

COUNTY OF S A L T L A K E) By _____
Chief, Right-of-Way

On the date first above written personally appeared before me, _____, who, being by me duly sworn, did say that he is the Chief, Right-of-Way, and he further acknowledged to me that said instrument was signed by him in behalf of said UTAH DEPARTMENT OF TRANSPORTATION.

WITNESS my hand and official stamp the date in this certificate first above written.

Notary Public

Example 10-820.22.2**GRANT OF ACCESS**(CONTROLLED ACCESS)
Symphony CountyParcel No. 0091:14:AQ
Project No. *NH-0091(3)

The **UTAH DEPARTMENT OF TRANSPORTATION**, by its duly appointed Chief, Right-of-Way, **Grantor**, at 4501 South 2700 West, Salt Lake City, Utah 84119, hereby **GRANTS** to _____, **Grantees**, hereinafter called "**LANDOWNERS**", at _____, County of _____, State of _____, zip _____, for the sum of _____ Dollars, and other good and valuable considerations, the **RIGHT OF ACCESS** from the landowners property to the highway in Symphony County, State of Utah, to-wit:

The right of access to the nearest roadway of a highway known as Project No. 0091, over and across the westerly right of way and limited-access line, for One (1) 30-foot section, which said section centers at point directly opposite Highway Engineer Station 1949+30, said center of 30-foot section is located approximately 574 feet south and 146 feet east from the Northwest corner of Section 9, T. 9 N., R. 1 W., S.L.B. & M.

(NOTE: USE METRIC VALUES FOR ALL STATIONS, DISTANCES AND TIES)

(Openings are 8, 14, or 15 meters wide in metric values)

IN WITNESS WHEREOF, said UTAH DEPARTMENT OF TRANSPORTATION has caused this instrument to be executed this _____ day of _____, A.D. 19____, by its Chief, Right-of-Way.

STATE OF U T A H)
) ss.

UTAH DEPARTMENT OF TRANSPORTATION

COUNTY OF S A L T L A K E)

By _____
Chief, Right-of-Way

On the date first above written personally appeared before me, _____, who, being by me duly sworn, did say that he is the Chief, Right-of-Way, and he further acknowledged to me that said instrument was signed by him in behalf of said UTAH DEPARTMENT OF TRANSPORTATION.

WITNESS my hand and official stamp the date in this certificate first above written.

Notary Public

B. EXAMPLE AGREEMENT FOR CHANGE OF ACCESS

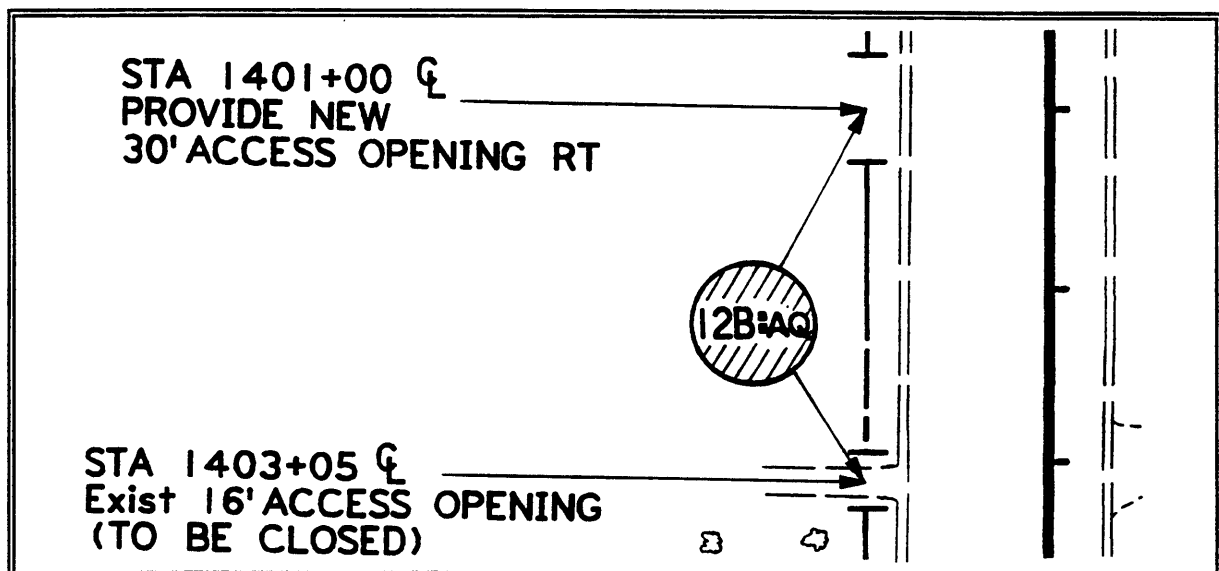
- Example based on the landowner having an existing 16-foot access opening in a rural area. On an existing or new project the landowner requests the position of the existing opening to be changed to a new location.

REQUIRED ITEMS FOR THE PLAN SHEET

1. Use metric values in current instruments.
2. Show balloon with the parcel number and the extension :AQ.
3. Show by note each existing opening "TO BE CLOSED" by station and size.
4. Show by note each new opening, "PROVIDE NEW", by station and size.
5. Show a leader from each note to the opening in the L/A Line.
6. Comply with Policy 08A3-12 as to quantity and size.
7. IMPORTANT! Cross-hatching in the balloon is made after the instrument is executed. (Note: Cross reference to existing projects by Note.)

REQUIRED ITEMS FOR THE AGREEMENT FOR CHANGE OF ACCESS:

1. Existing document reference by Entry No., Book, Page, and County Recorder.
2. Monument and/or BLM tied to the new access opening for locating or plotting.
3. Chief of Right-of-Way and landowner required to sign the instrument.



Example 10-820.22.3**AGREEMENT FOR CHANGE OF ACCESS**

(CONTROLLED ACCESS)

Parcel No. 0040:12B:AQ

Symphony County

Project No. STP-0040(16)138

THIS AGREEMENT, made and entered into this _____ day
 of _____, A.D.19____, by and between the UTAH DEPARTMENT OF
 TRANSPORTATION, at 4501 South 2700 West, Salt Lake City, Utah 84119, First Party,
 and _____,
 of _____, County of _____, State of _____,
 Second Party.

WITNESSETH:

WHEREAS, a certain tract of real property, situate in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of
 Section 28, T. 4 S., R. 21 E., S.L.B. & M., in Symphony County, State of Utah,
 adjoins the southeasterly right of way and limited-access line of the existing
 controlled-access highway State Route 40, and has certain rights of access to or
 from said highway over and across said southeasterly right of way and limited-access
 line for One 16-foot section centered at a point opposite Highway Engineer Station
 1403+05, as granted in that certain Warranty Deed recorded as Entry No. 122232 in
 Book 158 at Page 415 in the office of the Symphony County Recorder, Utah, and

WHEREAS, both parties desire to increase the size of and/or change the
 location of the hereinabove described access opening to a more desirable size and/or
 location.

NOW THEREFORE, for the consideration of the mutual benefit of the parties
 hereto, and for other good and valuable considerations, the sufficiency of which is
 acknowledged, it is agreed by and between the parties hereto that the hereinabove
 described access opening is hereby released and relinquished and shall be forever
 closed to the Second Party, their heirs, successors or assigns; and in exchange for
 said closing, the First Party grants to the Second Party, their heirs, successors
 or assigns, the right of access to the nearest road way of said highway over and
 across the southeasterly right of way and limited-access line for One 30-foot
 section, which said section centers at a point directly opposite Highway Engineer
 Station 1401+00.

The center of said 30-foot section is located approximately 765 feet west and
 507 feet south from the Northeast corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28.

(NOTE: USE METRIC VALUES FOR ALL NEW STATIONS, DISTANCES AND TIES)

Continued on Page 2

SECTION 10-820 - ACCESS CONTROL

PAGE 2

Parcel No. 0040:12B:AQ
Project No. STP-0040(16)138

IN WITNESS WHEREOF, the parties hereto have caused the within and foregoing instrument to be executed as of the date first above written.

FIRST PARTY:

STATE OF U T A H) UTAH DEPARTMENT OF TRANSPORTATION
) ss.

COUNTY OF S A L T L A K E) By _____
Chief, Right-of-Way

On the date first above written personally appeared before me, _____, who, being by me duly sworn, did say that he is the Chief, Right-of-Way, and he further acknowledged to me that said instrument was signed by him in behalf of said UTAH DEPARTMENT OF TRANSPORTATION.

WITNESS my hand and official stamp the date in this certificate first above written.

Notary Public

SECOND PARTY:

STATE OF) _____
) ss.
COUNTY OF) _____

On the date first above written personally appeared before me, _____ the signer_ of the within and foregoing instrument, who duly acknowledged to me that _he executed the same.

Notary Public

Example 10-820.22.4**Relinquishment Of Access Rights**

(CONTROLLED ACCESS)

Parcel No. 0040:17:A

Symphony County

Project No. STP-0040(16)138

_____, Grantor_,
 of _____, County of _____, State of _____,
 being the owner of an entire tract of property lying northwesterly of the existing
 highway, situate in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T. 4 S., R. 21 E., S.L.B. & M., in
 Uintah County, Utah, does hereby RELEASE AND RELINQUISH to the UTAH DEPARTMENT OF
 TRANSPORTATION at 4501 South 2700 West, Salt Lake City, Utah, 84119, Grantee, for
 the sum of _____ Dollars,
 and other good and valuable considerations, and forever close those certain accesses
 to an existing highway known as Project No. F-015-3(4) over and across the
 northwesterly right of way line, which had been provided for in that certain
 Warranty Deed recorded at Entry No. 100888 in Book 109 at Page 306 in the office of
 the Uintah County Recorder, Utah, now made necessary by the widening of the existing
 highway known as Project No. 0040, to-wit:

That 16-foot section which centers at a point directly opposite the center
 line of said Project approximately at Engineer Station 1419+00, said point is also
 approximately 794 ft. north and 918 ft. west from the East Quarter corner of said
 Section 28.

Also, that 16-foot section which centers at a point directly opposite the
 center line of said Project approximately at Engineer Station 1420+00, said point
 is also approximately 866 ft. north and 848 ft. west from the East Quarter corner
 of said Section 28.

(NOTE: USE METRIC VALUES FOR ALL NEW STATION, DISTANCES AND TIES)

WITNESS, the hand_ of said Grantor_, this _____ day
 of _____, A.D. 19____.

Signed in the presence of:

 STATE OF _____)

) ss.

 COUNTY OF _____)

On the date first above written personally appeared before me,

_____,
 the signer_ of the within and foregoing instrument, who duly acknowledged to me
 that _he_ executed the same.

 Notary Public

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:02	Details on Map
:03	Uses

10 - 825:

10-825.01

TOTAL TRACT MAP

INTRODUCTION

The purpose of the total tract map is to portray all of the tracts of land of the properties affected by the highway, including a summary of the parcel numbers and landowners.

Used by Right-of-Way Agents to determine access damage and identify lands that will become land-locked.

Required on all controlled-access highways, either full or partial control.

The total tract map is a simplification of the plans, at a scale that portrays all the tracts of properties in their entirety, and all means of access such as existing highways, roads, trails, usually at a scale equal to 1:500 meters.

The map is to include a summary of the parcel numbers and landowners.

10-825.02

DETAILS ON MAP

Show all beginning, end, and equation flags.

Show bar scale in the bottom right hand corner of map.

Show the north arrow pointing in the north direction.

Show the Township, Range and S.L.B. & M. on the north arrow.

Show an arrow at the beginning and ending of map pointing in the direction of closest town, identifying the town.

Show and identify Section, 1/4 Section, and 40 Acre Lines.

Identify the center of each section with the section number.

Show small (solid) diamonds for found section corners.

Show all existing highways, county roads, dirt trails, farm roads, fenced cattle trails, used for access.

Show political lines such as forest and corporate boundaries.

Show all canals, streams, rivers, and large ditches of importance.

Show all BOXES larger than 1.5 meters that could provide access for animals.

Show all property lines of the ownerships involved in the project.

Show all new alignments with their identification, bearings, stations.

Show new required right-of-way lines with standard symbol and identification.

Show parcels with thin line only.

Show balloons with the parcel numbers inside, with a leader pointing to parcel area. The balloon size used for the total tract map is reduced to fit available space.

Show summary with only the parcel number and the name of the landowner. If multiple owners, use one name and add et al.

Show the layout of the borders for each plan sheets with a thin line, and label the sheet number.

10-825.03

USES

As an index map for all plan sheets on the project.

As a reference map for locating all of the landowners properties, referencing parcel numbers, access roads.

As a general map for the project.

As a guide for appraisers to determine damages or landlocked tracts or to request additional takes.

As a quick reference for agents, to find the general location of the project when talking with the landowners.

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10 - 900:

MATERIAL SITES

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:02	Public Domain Land Applications
:03	Options - Agreements
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10 - 900:

MATERIAL SITES

10-900.01

ACQUIRING FROM PRIVATE LANDOWNERS

Acquire material sites in fee. See Example 10-900.04.1, DEED, FEE TAKE.

Prepare Right-of-Way Package in accordance with Section 10-140 (Sequence of Operations) and Subsection 10-145.03 (Right-of-Way Package).

Identify the material site by a parcel number and extension :M. The extension :M is reserved for material sites (Borrow and gravel). See Subsection 10-1125.09, Type of Parcel Taking.

Show the assigned parcel number in a balloon. Place the balloon inside the parcel take, if practical, or outside with an arrow leading from the balloon to the parcel area.

Show the parcel take boundaries of the material site with a heavy line.

Refer to Section 10-812, Right-of-Way Maps.

10-900.02

PUBLIC DOMAIN LAND APPLICATIONS

The Federal Highway Act provides that if the Secretary of Commerce determines that any part of public lands or reservations of the United States are reasonably necessary as a source of materials, for the construction or maintenance of any highway or forest road adjacent to such lands or reservations, the Secretary of Commerce shall file with the secretary of the department supervising the administration of such lands that it desires to appropriate.

If within a designated time period of ____ months after such filing, the said secretary shall not have certified to the Secretary of Commerce, the proposed appropriation of such land or material is contrary to the public interest, inconsistent with the purpose for which the land or materials have been reserved, or shall have agreed to the appropriation and transfer under the conditions he deems necessary for the adequate protection and utilization of the reserve; then such land and materials may be appropriated and transferred to the Transportation Commission for such purposes and subjected to the conditions so specified.

If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the Transportation Commission to the Secretary of Commerce, and such lands or materials shall immediately revert to the control of the secretary of the department from which they have been appropriated.

Make all applications for material sites upon public lands of the United States pursuant to Section 17 of the Federal Highway Act.

Size mylar maps to 24 in. by 36 in., unless impractical.

Submit all material site applications independent of applications for right-of-way.

Take material sites by 10, 20, or 40 acre tracts or lots, the smallest legal subdivision covering the entire site.

Exclude and show on mylar, a highway right-of-way crossing any portion of a tract taken for a material site.

See Section 10-1135, Federal Lands (BLM).

Submit the application in the form of a description.

Complete the mylar map as shown.

Refer to examples 10-900.04.1, (Deed, Fee Take), 10-900.04.2 (Application), and 10-900.04.3 (Application Map).

10-900.03

OPTIONS - AGREEMENTS

On occasions, the landowner may retain ownership of the property and sell material for construction purposes.

A record of any agreement is to be approved and maintained by the appropriate Region Right-of-Way Section.

See Roadway Design Manual Part 6, for guidelines in obtaining material, such as sand and gravel.

10-900.04 EXAMPLES

Example 10-900.04.1, Deed, Fee Take

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right-of-Way, Fourth Floor,
4501 South 2700 West,
Salt Lake City, Utah 84119-5998

Warranty Deed

Davis County

Parcel No. 15-7:10:M
Project No. I-15-7(19)315

_____, Grantor_,
of _____, County of _____, State of _____,
hereby CONVEY AND WARRANT to the UTAH DEPARTMENT OF TRANSPORTATION, at
4501 South 2700 West, Salt Lake City, Utah 84119, Grantee, for the sum
of _____, Dollars,
and other good and valuable considerations, the following described parcel of land
in _____ County, State of Utah, to-wit:

A parcel of land in fee for a material site, situate in the ...

Example 10-900.04.2, Application Description

Serial No. Utah _____

DESCRIPTION OF MATERIAL SITES ON GOVERNMENT LAND FOR A FREEWAY KNOWN AS PROJECT NO. I-70-3(5)128

The S1/2NE1/4NW1/4 and the SE1/4NW1/4 of Section 24, T. 22 S., R. 11 E., S.L.B. & M.

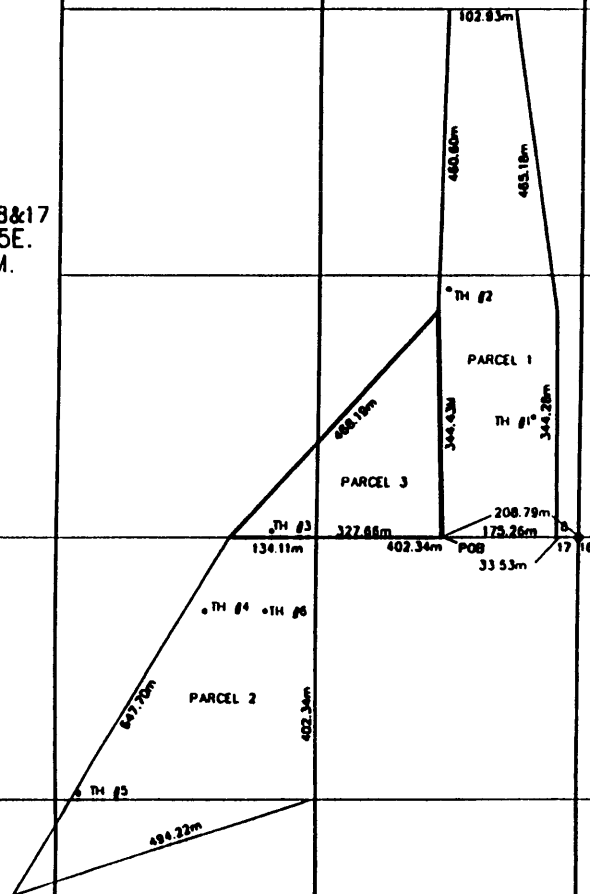
Prepared by: ABC 4-6-95
Checked by: DEF 6-7-95

Typed by:
Proofread by:

Example 10-900.04.3, Application Map

900-5

SECTION 8&17
T.6S. R.25E.
S.L.B & M.



DESCRIPTION OF EXISTING MATERIAL SITE ON B.L.M. LANDS

PARCEL 1. Commencing at a point on the west side of Miners Draw Road located West 3353 meters from the intersection of two fences assumed to be the Southeast corner of Section 8, T. 6 S., R. 25 E., S.L.B. & M., and running thence North 0°27'23.5" West along the west side of road 344.28 meters; thence North 8°13'26" West along the west side of said road 465.18 meters; thence West 102.93 meters; thence South 1°40'07" West 460.60 meters; thence South 1°43'27" East 344.43 meters; thence East 175.26 meters to the point of beginning. Area = 12.744 Hectars.

PARCEL 2. Commencing at a point located West 402.34 meters from the intersection of two fences assumed to be the Northeast corner of Section 17, T. 6 S., R. 25 E., S.L.B. & M., and running thence West 134.11 meters; thence South 31°17'20" West 647.70 meters; thence North 72°11'30" East 494.22 meters; thence North 402.34 meters to the point of beginning. Area = 13.177 Hectars.

Together with a 10 meter easement for ingress and egress described as follows: Commencing at a point located South 402.34 meters and West 402.34 meters from the intersection of two fences assumed to be the Northeast corner of Section 17, T. 6 S., R. 25 E., S.L.B. & M., and running thence Easterly 402.34 meters along an existing dirt road to the point of intersection with the Miners Draw road.

ADDITIONAL AREA REQUIRED FOR MATERIAL SITE.

PARCEL 3: Commencing at a point located West 208.79 meters from the intersection of two fences assumed to be the Southeast corner of Section 8, T. 6 S., R. 25 E., S.L.B. & M., and running thence West 327.66 meters; thence North 42°39'54" East 468.19 meters; thence South 01°43'27" East 344.43 meters to the point of beginning. Area = 5.641 Hectars.

ENGINEER'S STATEMENT

I, JAMES ALLEN COX, do certify that I am a Registered Land Surveyor and hold Certification No. 153781 as prescribed by the laws of the State of Utah, and further certify that I am an agent representing the Utah Department of Transportation and acting in that capacity I have made a survey made of the property indicated on this plat and have set monuments in the field in accordance with Title 58, Chapter 22, Utah Code Annotated as amended.

James Allen Cox

Date

APPLICANT'S CERTIFICATE

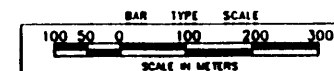
I do hereby certify that James Allen Cox, who subscribed the statement hereon is the person employed by the undersigned applicant to prepare this map, which has been adopted by the applicant as the approximate final location of the works thereby shown and that this map is filed as part of the complete application, and in order that the applicant may obtain the benefits of the Act of August 27, 1958 (72 Stat. 918, Title 23 U.S.C. Sec. 317) I further certify that the boundaries described are those desired for a Material Site.

Alan W. Mecham, Region 3 Director

Date

SERIAL NO. APPROVED

REF UTAH 037441 OCT 1959 FOR STANDARD HALOGETON STIPULATION
REF UTAH 34058 MAY 20, 1977 FOR UTAH ORGANIZATION AND LEGALITY



UTAH DEPARTMENT OF TRANSPORTATION REGION 3 OFFICE OF THE REGIONAL DIRECTOR	
PROJECT NO.	10-900.04.3
PROJECT NAME	SECTION 8&17 T.6S. R.25E. S.L.B. & M.
PROJECT LOCATION	SECTION 8&17 T.6S. R.25E. S.L.B. & M.
PROJECT DATE	10-900.04.3
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10 - 1000:

ROADSIDE DEVELOPMENT & EROSION

10-1000.01

INTRODUCTION

New highways and/or the improvement of existing highways are for the benefit of the traveling motorist.

Along with the development of highways is roadside development and erosion control, consisting of many different features.

10-1000.02

ROADSIDE FACILITIES

- Safety features, rest area, view area, and park and ride
- Maintenance shed, borrow pits
- Haul road, stock trail, animal control
- Historical sites, fencing, cul-de-sac, noise walls
- Railroad crossing, traffic signals, signs
- Driveway approaches, intersections, construction detours
- Water supply lines, sewer lines, and telephone and power lines

10-1000.03

EROSION FACILITIES

- Seeding, plants, fencing
- Wetland mitigation, flood control, channel change
- Irrigation system, highway drainage water, well
- Drainage basin, sewage lagoon

10-1000.04

FEE TAKE OR EASEMENT

Consider the type of take when acquiring land for the above features.

Acquire the right-of-way in fee. See Section 10-1129.

Acquire perpetual easements. See Section 10-1130.

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:03	Acquisition of Land
:04	Right-of-Way Lines
:05	Site Patterns
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:08	Irregular Pattern
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10 - 1030:

REST AND VIEW AREAS

10-1030.01

INTRODUCTION

The purpose of rest and view areas is to provide safety for the traveling motorist. The areas are placed along freeways and expressways at designated locations to provide comfort and rest.

Safety is a major determinant when selecting size and location for rest and view areas.

Other important factors:

1. Water Supply
2. Sewage disposal
3. Access to and from the Highway
4. Access Control

10-1030.02

CONTROLLED ACCESS

Control and fence rest and view areas around the perimeter.

Designate as highway right-of-way and no-access line and label as such:

HWY R/W & N/A LINE

Assign a parcel number with extension :A. See Subsections 10-820.13 (Parcel Numbering - Access Control) and 10-1125.07 (Assigning Parcel Numbers).

Provide the control of access clause in the deed of taking. See Section 10-820 (Access Control) and Subsection 10-1139.12 (Control of Access Clause, For Deeds).

10-1030.03

ACQUISITION OF LAND

Acquire property in "fee simple."

Prepare the instrument as a Warranty or Quit Claim Deed. See Section 10-1129, Deeds and Other Instruments.

Prepare the description for the rest and view area in conjunction with the highway right-of-way take.

Prepare perpetual easements for sewage and water lines to facilitate the rest and view areas as needed.

Prepare temporary (work) easements to facilitate the construction of a facility. Provide an expiration clause to terminate easement use upon completion of the work.

Refer to Section 10-1130, Easements.

10-1030.04

RIGHT-OF-WAY LINES

Tie right-of-way lines (no-access) to the control alignment (center line of project) with exact distance at designated stations.

Designate right-of-way lines to be either no-access (for freeways) or limited-access (for expressways), depending upon the type of highway facility.

10-1030.05

SITE PATTERNS

Consider natural features of surrounding terrain, such as woods, streams, lakes, space for enjoyment of mountain views, and the use of adjacent land, in the development pattern, size, and shape of each site.

Determine the development pattern using cut and fill slopes.

Identify the basic patterns using either the elongated, rectangular or irregular pattern.

10-1030.06

ELONGATED PATTERN

See Figure 10-1030.09.1

Consider that gradual widening of the right-of-way is more favorable to preserve natural features of the area.

Keep the length of right-of-way fence and barriers to a minimum.

Consider that this pattern may be limited in area for development, unless intentionally made oversized.

10-1030.07

RECTANGULAR PATTERN

See Figure 10-1030.09.2

Parallel the long axis of the area with the highway.

Approximate the length at 250 m.

Vary the width from 30 to 60 m.

Adapt shape for site development on relatively level land where scenic views, woodlands, and bodies of water are not important.

Consider that this pattern limits variation or adjustment to conserve trees or to make the most of scenic or landscape values.

10-1030.08

IRREGULAR PATTERN

See Figure 10-1030.09.3

Consider that this pattern is adaptable to uneven terrain and is most effective in conserving natural scenery, unusual vistas, and other landscape features.

Consider that this pattern may follow boundary lines or natural border-lines such as streams, lake shores, rock cliffs, or other natural barriers.

Consider that this pattern presents difficulties in adapting facilities to the uneven ground and requires special design attention.

Provides space for future expansion.

10-1030.09

FIGURES

Three figures follow on the next page.

FIGURE 10-1030.09.1 (ELONGATED)

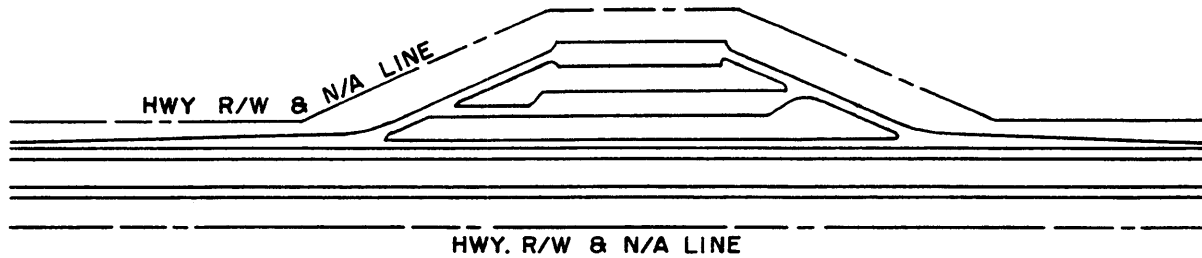


FIGURE 10-1030.09.2 (RECTANGULAR)

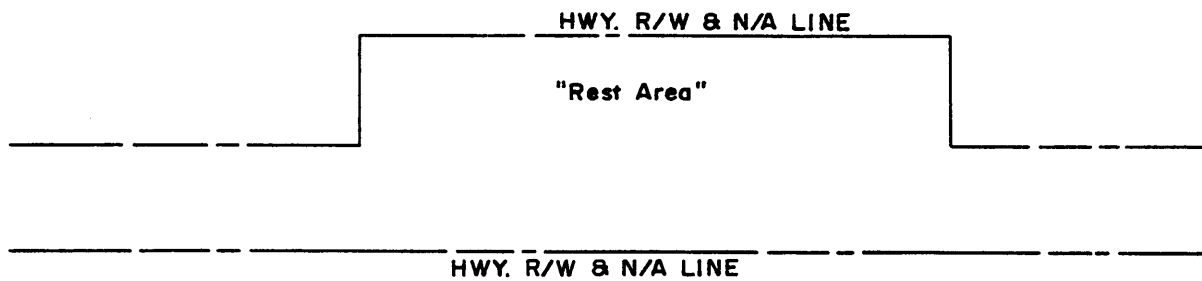


FIGURE 10-1030.09.3 (IRREGULAR)

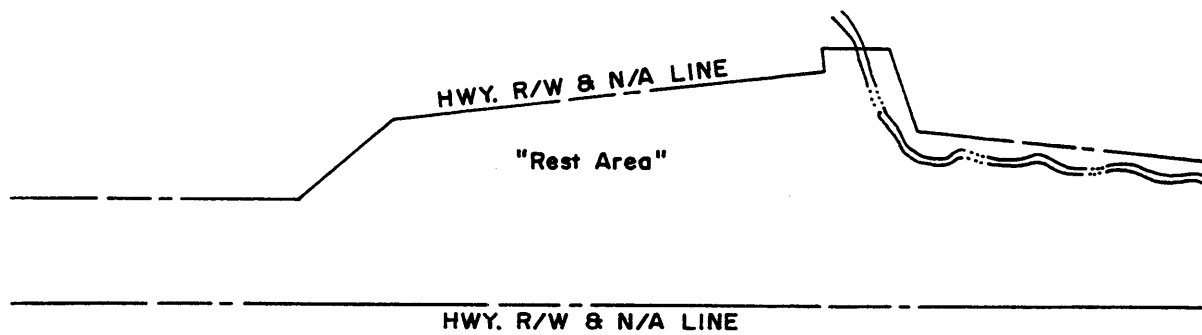


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10 - 1115:

OWNERSHIP RECORD

10-1115.01

OWNERSHIP RECORD FORM RW-51

The form can be found in Subsection 10-1131.01 (Ownership Record) maintained in a separate book.

All items on the form are used during the acquisition process by the agents and condemnation action. Include additional information as necessary, to convey the intent of the ownership.

10-1115.02

OWNERSHIP AND TITLE SEARCH

Go back five years for regular acquisition and 40 years, minimum, for condemnation action for abstract of title.

Show the current owners of record, and any contract purchasers or parties of interest, in the land UDOT will be acquiring.

Show each owner and the interest they hold in the land, when multiple owners are involved and each has different interests. (Utilities, easements, access rights-of-way).

Confirm and show the type or method of ownership, such as Joint Tenants (JT), Tenants in Common (TC), Contract Purchaser (CP), Trust, Corporation, General Partnership (GP), Limited-Partnership (LP), Limited Liability Co.

Re-check ownership for current owners prior to transmittal of the Right-of-Way Package. Ensure there has not been a change in the ownership or that any portion of their land has been sold off.

10-1115.03

OWNERSHIP PARCEL NUMBER

Show the **BASE** project number and the **BASE** tract number to identify the tract of land to be acquired (e.g. 0091:5 or 0091:12B)

Indicate only one colon in the parcel number. DO NOT add another colon or use the designated letters to identify the type of taking in the instruments. Refer to the Subsections 10-1125.07 and 10-1125.08.

10-1115.04

OWNERSHIP RECORD DESCRIPTIONS

Consider that some ownerships may require many descriptions (when contiguous) from one or more deeds. When tracts have been sold off from the ownership, show those tracts if the selling affects the parcel taking.

Provide all descriptions from the recorded deeds of record with the recording data required on Form RW-51, describing an entire tract of property.

Show the descriptions just as they read in the deed of record.

Provide notes below each description explaining conflicts, adjustments, any typing errors, or acreage. (Sometimes a consolidated remainder ownership description could be used.)

The chain of title will show two different parties, the name of the Grantor (previous owner), and the name of the Grantee (the current owner). A current owner conveying land to himself for different reasons, such as putting his land in Trust, does not show the true chain of title.

Determine and show on maps the complete contiguous ownership.

10-1115.05

AREA

Show the area on each description. If the deed of record does not have an area, calculate the area and show by a note below the description in the following manner:

(Note: The above described tract of land contains... acres or square meters.)

Show by a note below the last description in the following manner, when a **total area is required** for highway purposes.

(Note: The above described entire tract of property contains...)

Note that when the abstract shows that a tract of land has been sold from an original entire tract of property, the Ownership Record needs to show the change. In many cases the recorded deeds of record are not up-dated. A **balance area** needs to be shown in the following manner:

10-1115.06

(Note: The remaining ownership (area) contains...)

Show the ownership area value on the Plan Sheet Summaries.

ENTIRE TRACT OF PROPERTY

When there is just one description or many descriptions in the Ownership Record, the complete contiguous land is identified by UDOT as an **entire tract of property**. Reference the fact that the land is an entire tract of property in all instruments prepared by UDOT, such as deeds, easements, agreements, and grants.

When a parcel is acquired, that is taken from the entire tract of property, state in the instrument the following:

"A parcel of land in fee, being part of an entire tract of property, situate in..."

10-1115.07

CONFLICTS

Consider senior rights versus junior rights.

Consider if the point of beginning starts from the same point or from a new monument.

Use old fence lines to help determine location of properties.

10-1115.08

UNDERLYING FEE WITHIN RIGHT-OF-WAY

Clear all titles, concerning existing roads, streets and highways, where the ownership describes to the center or any portions within the right of way, by a deed of taking.

Require parcel of taking when highways are widened and additional right-of-way is necessary. Include the areas within existing highways as described in the deeds of record.

Calculate and show the area value within the existing right-of-way by note, so the area can be lessed out of the deed of taking. **Usually** compensation is not made for the areas, because the areas have become public rights-of-way. The end result is that these areas are taken off the tax rolls, with UDOT obtaining a fee title.

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:06	Controlled Access
:07	Remainders
:08	Existing Features That Affect Location
:09	Shape of the Parcel
:10	Examples

10 - 1120:

REQUIREMENTS FOR R/W LINES

10-1120.01

INTRODUCTION

Under Utah Code, Title 27, Chapter 12, Section 2, (Highway) Right-of-way means land, property, or an interest therein, usually in a strip, acquired for or devoted to a highway, road, or street.

Maintain uniform right-of-way widths rather than long tapers.

Consider the following items as a guide when developing the right-of-way:

1. Cut or fill slopes (e.g. the ratio, 2:1, 3:1)
2. Sight distance and set backs
3. Recommended width of right-of-way
4. Utilities encountered
5. Fencing, fence angles
6. Drainage, easements
7. Grading
8. Type of access control
9. Placement of right-of-way markers

10-1120.02

CUT AND FILL SLOPES

Place right-of-way lines no **closer than** 9 m from the top of cut and 6 m from the toe of fill.

Scope the full project with the required cut and fill slopes placed on plan sheets before placing the right-of-way lines.

Use the catch points only as a guide for placing the right-of-way lines.

Watch for the areas where the right-of-way lines can be placed parallel to or concentric with the alignments, placing the necessary tapers (100 to 150 m) when required. See example 10-1120.10.1.

Make the right-of-way lines parallel to the slope catch points only where necessary, NOT throughout the project.

Consider the effects of both rural and urban areas when placing the right-of-way lines. Catch points may not really reflect the true condition. For example, when a street is to be widened with new curb and gutter and sidewalk, the right-of-way line should be placed based on city codes, usually 0.3 m behind the sidewalk.

10-1120.03

RIGHT-OF-WAY TIED TO ALIGNMENTS

Tie right-of-way lines to the alignments or center line of project, and reference in the instruments. The ties are placed at right angles to the alignment, at designated alignment stations. Each tie has an assigned coordinate value and is shown on the Right-of-Way Marker Summary.

Place right-of-way lines between the assigned tie points, showing the type of notation, such as:

NO-ACCESS, LIMITED-ACCESS, FRONTAGE ROAD

Use straight lines along the right-of-way lines when alignments have spirals, rather than a concentric spiral. See example 10-1120.10.2.

10-1120.04

OFFICE REVISIONS

Provide office revisions during the design stage.

Tie right-of-way lines to the office revision only if the revision is **made prior** to the final review or transmittal of the Right-of-Way Package. Keep the original alignment (control line) on the plan sheets for reference when right-of-way lines are tied to the original alignment, rather than to the office revision.

Use office revision as the control line for construction only. See example 10-1120.10.3.

10-1120.05

SPECIAL FEATURES AND DIFFERENT SHAPES

Rights-of-way come in different widths and shapes depending upon the purposes. Some of these purposes are channelized intersections, bridge structures, frontage and approach roads,

channel changes, sewage lagoons, rest areas, port of entries, maintenance stations, and utilities.

View the scope of the contemplated plan and acquire sufficient right-of-way to encompass all of the highway requirements.

10-1120.06

CONTROLLED ACCESS

Know the type of highway and if the highway will be a partial or full controlled access facility. See example 10-1120.10.4.

Know if the adjoining landowners will have full access, partial access, or no-access to or from the highway facility.

Refer to Section 10-820, Access Control, if the facility is controlled.

10-1120.07

REMAINDERS

When remainders occur, severed tracts may be required for the area beyond the right-of-way line. See example 10-1120.10.5. In addition, remainders are susceptible to revised taxation. Descriptions may be written to describe these remainders and acquisition processed. See Section 10-1150.

10-1120.08

EXISTING FEATURES THAT AFFECT LOCATIONS

- Existing streets, roads, alleys, highways
- Wetlands, canals, rivers, streams
- Utilities (sewer, water, and telephone, and power lines)
- County lines, city limits, state line, property lines
- Railroad rights-of-way
- Other abutting projects that are being designed
- Historical sites, cemeteries, parks

10-1120.09

SHAPE OF THE PARCEL

In relation to the shape of the parcel consider the area, the amount of land to be taken from the landowner, how the descriptions have to be written, the landowners access, where access openings are to be placed, the landowners remainders, and water rights and access to water ways. Also consider acquiring all of the landowners property.

Slopes may be adjusted so very small parcels may be avoided. In order to provide uniformity in parcel takes place right-of-way lines parallel to or concentric with the alignment. Consider realistic intersections when right-of-way lines cross property lines. Parallel and concentric right-of-way lines are better for these intersections than tapers.

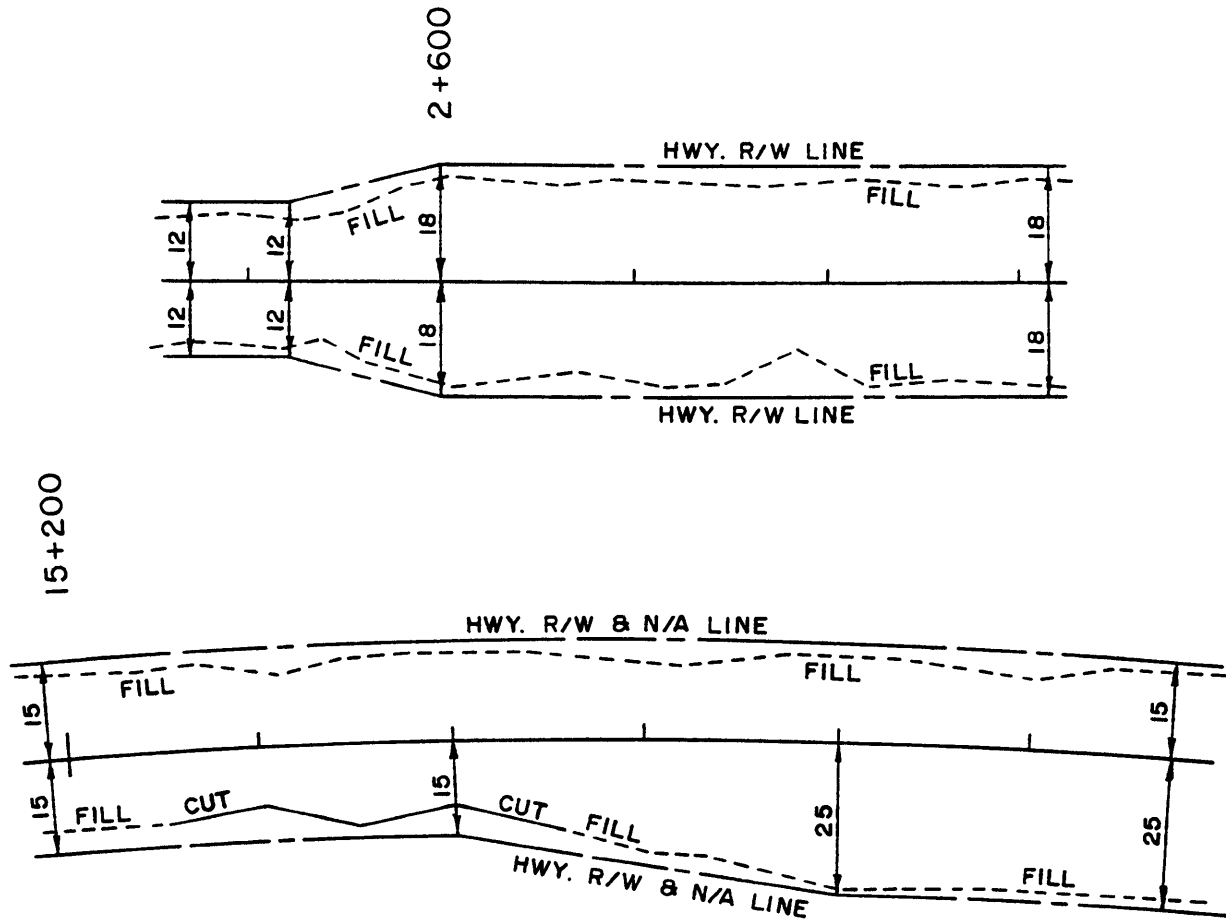
10-1120.10

EXAMPLES

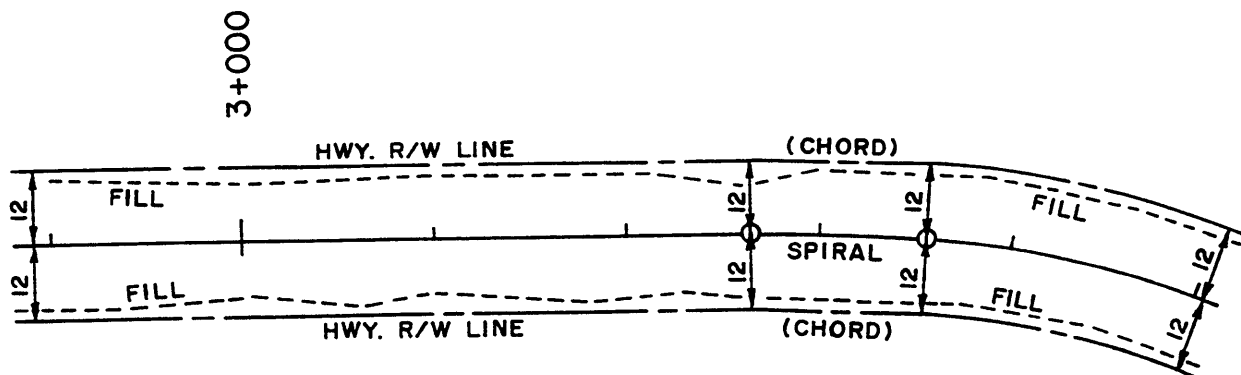
Examples of slopes, spirals, office revisions, controlled access, and remainders are shown on the following pages.

10-1120.10 EXAMPLES

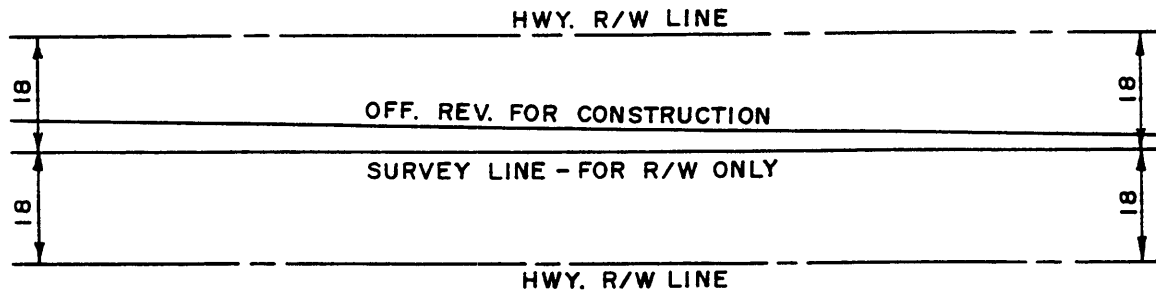
EXAMPLE 10-1120.10.1 (SLOPE)



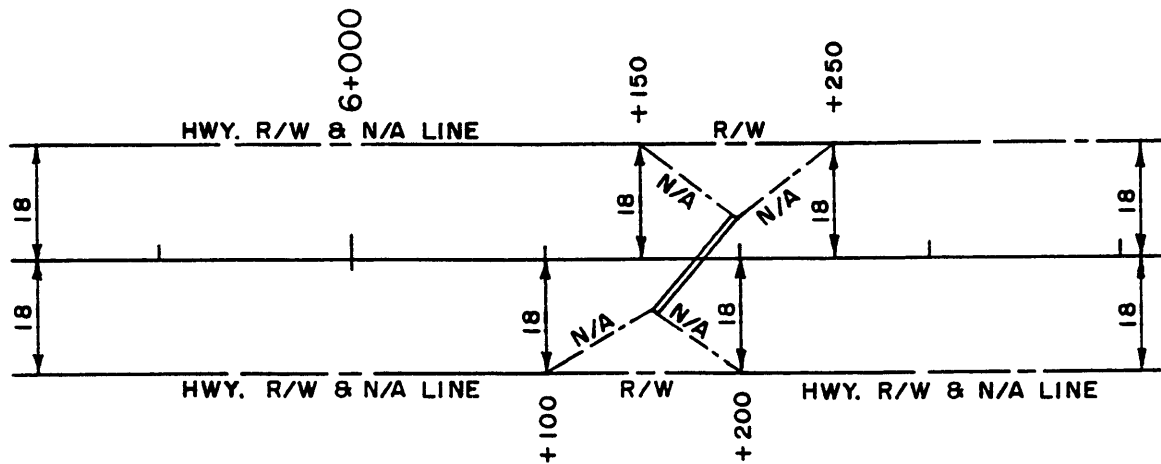
EXAMPLE 10-1120.10.2 (SPIRAL)



EXAMPLE 10-1120.10.3 (OFFICE REVISION)



EXAMPLE 10-1120.10.4 (CONTROLLED ACCESS)



**EXAMPLE 10-1120.10.5
(REMAINDER)**

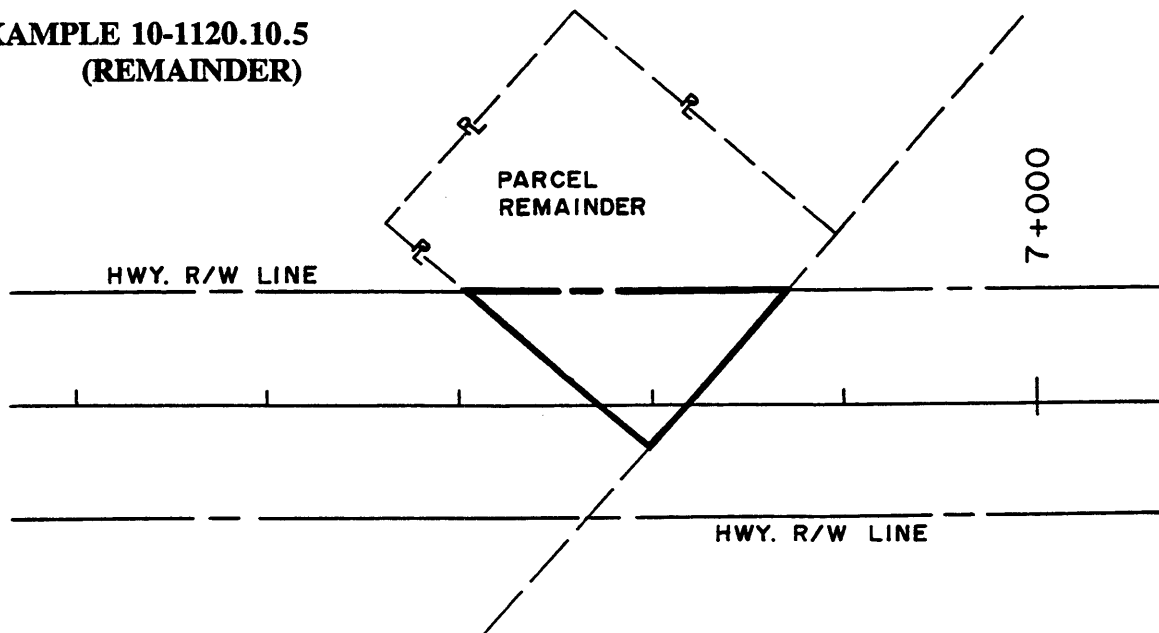


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:10	Numbering Right-of-Way Instruments
:11	Numbering for Different Interests

10 - 1125:

NUMBERING SYSTEM

10-1125.01

FILING PROJECTS

Older plans and documents **are filed** at UDOT's warehouse, and on microfilm. The newer projects are in the vaults at the Central Office. Index maps, shown by interstate, primary, secondary, and other systems, **are used** for locating UDOT right-of-way projects, and **are kept** in the Right-of-Way Division at the Central Office.

Knowing the highway route and vicinity in the state, the index maps pin-points the location of the right-of-way projects for the route and vicinity. Each right-of-way project functions as an index to the instruments and office copies. Each plan sheet shows the parcel number and taking, that is used in locating UDOT property.

For UDOT to obtain an easement upon or a grant to cross BLM land, UDOT prepares BLM application maps, that are later **filed at the Central Office** in the Right-of-Way vaults under a consecutive "M" Drawing File Numbering System. (Note: BLM names all applications by Serial No. as SL-XXXXXX in the Salt Lake Office and in all offices as U-XXXXX.)

10-1125.02

FORMER HIGHWAY NUMBERING SYSTEM

Existing project numbers on file are still valid.

Every project was assigned a project number that began with a letter prefix identifying the source of funds and system for the project. Subsequent parts of the project number indicate the route, section of the route, agreement number, or milepost on the route at the beginning of the project.

Example: I-15-2(68)72

I = Source of Funds

-15 = Route Number (-15 or -80, etc.)

-2 = Section Number (county along alignment)

(68) = Agreement Number

72 = Milepost Number

For Federal-aid systems of interstate, primary, and secondary highway projects, the first letter of the alpha **prefix** indicated the source of funds.

Project Numbers for interstate, primary, and secondary highway projects show the Federal-aid **route number** regardless of fund sources.

1. Interstate System has a two digit number. (e.g. 15)
2. Primary System has a three digit number. (e.g. 040)
3. Secondary System has a four digit number. (e.g. 0524)

Odd numbered routes (such as I-15), **south to north** in direction, increase in stationing and/or mile posting on design plans.

Even numbered routes (such as I-80), **west to east** in direction, increase in stationing and/or mile posting on design plans.

10-1125.03**CURRENT HIGHWAY NUMBERING SYSTEM**

Guidelines were established in October of 1992 under the direction of the Federal Transportation Act. A new numbering system was adopted and implemented.

FEDERAL - AID PROGRAMS:

Federal funding ratio	Alpha	Program Description
80% Prorate	BHO, BRO BHF, BRF	Bridge Replacement or Bridge Rehabilitation
93.23 %	CM	Congestion Mitigation or Air Quality
94.18 %	IM	Interstate Maintenance
93.23 %	NH	National Highway System
93.23 %	STP	Surface Transportation Program

STATE FUNDED PROJECTS:

Alpha	Program Description
0.00 %	SP State Project (and Construction)

FEDERAL MANDATED IDENTIFICATION SYSTEM

General format:

*XXX - XXXX - (XXX) XXX

Use an asterisk to indicate when FHWA selects and retains a particular project for their stewardship.

Examples**1. Projects on Interstate Routes:**

IM	-	0157	-	(100)	320
NH	-	0157	-	(002)	349

(Note: Old I-15-7(2)349; where "015" is the route number and "7" indicates 7th County along the alignment.)

2. Projects on State Primary or Secondary Routes:

CM	-	0089	-	(003)	062
NH	-	0091	-	(002)	004
SP	-	0089	-	(002)	157
STP-BRF	-	0108	-	(003)	001

(Note: Old FAP-40-D, former F-040-4(3), previous F-040(3), and current NH-0040(4)25.)

3. Projects on Local Government Routes:

BRO	-	LC35	-	(007)
CM	-	L814	-	(009)

(Note: No MilePost is given.)

10-1125.04

NUMBERS IN COMPUTER DIRECTORIES & FILENAMES

New project numbers create problems for computer indexing and storage, because directories and files can only handle up to eight digits in the directory/file name and three digits in the extension.

The computer will **not** accept a colon or parenthesis, but will accept a dash. Therefore, the colon or parenthesis are replaced with a dash.

Modify new project numbers to (PROJNAME) fit within the computer eight digit system, and into directories as shown in the following examples:

New Number	New directory
*NF-9999(85)	NH999-85
*NH-0091(2)4	NH091-02
*NH-0091(1)10	NH091-10
SP-0041(18)159	SP041-18
SP-0090(2)157	STP90-02
STP-0108(3)1	ST108-03

(Note: In Right-of-Way the * is not indicated in the computer and the mile post is dropped.)

Since UDOT has and will have many projects, the following example is suggested in building a path for directories:

C:\WP51\{Project.No}\NH091-02*.*

- You have a Root Dir.\Dir.\Sub-Dir.\Sub-Sub-Dir.*.*
- O:\RWLEGAL\{PROJECT.NO}\PROJNAME\FILENAME
- Step 1. Select the Drive either C, J or O (For UDOT)
- Step 2. Create Directory = RWLEGAL
- Step 3. Create Sub-Directory = {PROJECT.NO}
- Step 4. Create Sub-Sub-Dir = PROJNAME-Modify Project No.
- Step 5. Within the Project Sub-Sub-Directory create the FILENAMES for each parcel required on that project.

Parcel numbers are also modified and entered in the computer in a systematic way:

Parcel No.	Filename
0091:12:A	12-A.WD (Warranty Deed)
0091:10	10.OWN (Ownership Record)

The following example shows the full path:

O:\RWLEGAL\{PROJECT.NO}\NH091-02\12-A.WD

The following is a list of filename extensions used for entering, filing, or grouping the kinds or various types of instruments in the computer:

<u>DOCUMENTS</u>	<u>EXTENSIONS</u>
Agreements	AGM
County Tax Deed	CTD
Description	DSC
Easement	EAS
Grant of Access	GRA
License & Easement	LAE
Office Copy	OFF
Option	OPT
Ownership Record	OWN
Page Two (Blank)	PG2
Quit Claim Deed	QCD
Relinquishment of Access	RLQ
Right of Entry	ROE
Right of Way Deed	RWD
Special Warranty Deed	SWD
Trustee Warranty Deed	TWD
Warranty Deed	WD

The following example are typical of an expressway or freeway crossing ONLY ONE entire tract of property, that may require the need for these parcels (documents):

Parcel No. 0091:3	03.OWN
Parcel No. 0091:3:A	03-A.WD
Parcel No. 0091:3:A	03-A.OFF
Parcel No. 0091:3:E	03-E.EAS
Parcel No. 0091:3:E	03-E.OFF
Parcel No. 0091:3:S	03-S.WD
Parcel No. 0091:3:S	03-S.OFF
Parcel No. 0091:3:ST	03-ST.WD
Parcel No. 0091:3:ST	03-ST.OFF

When an entire tract of property has different owners, and each owner has a different amount of interest in the property, an instrument is required for each owner for each parcel of taking. The parcel number is set-up in the following way for example:

0091:34:A	(an undivided 1/2 interest)
0091:34:A1	(an undivided 1/4 interest)
0091:34:A2	(an undivided 1/4 interest)

10-1125.05

PARCEL NUMBERING SYSTEM

Used to maintain right-of-way records and locate each property.

Used as an index system for locating property previously acquired by the state or property to be acquired.

10-1125.06

THE PARCEL NUMBER

The full parcel number is divided into two or three **parts** by the use of **colons** with a maximum of **two colons** in a string, as seen in the following examples of the old and new system:

15-7:128	15-7:128:A	157:128	157:128:A
(a) (b)	(a) (b) (c)	(a) (b)	(a) (b) (c)

• Section (a):

The **base** project number, is the assigned project number without the section number, state route number, or mileage, such as: 15-7, 80-6, 0374 (old system) or 157, 806, 0374 (new system).

• Section (b):

The **base** tract number assigned to the entire tract of ownership of the landowner. This number is tagged to the property of taking for that particular project and is assigned to the Ownership Record as follows:

0091:3 (The 3 is the assigned **base** number for the entire tract. See Subsection 10-1125.08.)

The **base** tract numbers (also known as parcel numbers) start with number one at the beginning of each project, increasing in sequence with the direction of the stationing.

• Section (c):

The **type** of taking from that particular entire tract of ownership. (See Section 10-1125.09.)

Use capital letters and/or numbers to designate the type of instrument. Each letter could be preceded or followed by numbers. (See Section 10-1125.04)

10-1125.07

ASSIGNING PARCEL NUMBERS

Assign a number to each entire tract of property consecutively, using county plats, plotting the descriptions from deeds. Start with parcel number one and proceed to the end of the project, alternating from side to side where necessary.

Consider each project separately when numbering each entire tract of property. Some early Interstate projects continued the numbering from a just completed section of that Interstate in the same county.

Enter the assigned **base** tract number on the Ownership Record.

For example: 0091:5 The parts are defined as follows:

0091 is the **base** project number.

5 is the **base** tract number

Expand the parcel number by a colon and a letter and/or number, when designating the **type** of taking. Use **only** in the instruments **not** in the Ownership Record.

Example: 0091:5:A, the :A indicates access control.

Show the parcel number (the **base** tract number and the type) inside a balloon on the right of way map (Plan Sheet), with a leader pointing inside the parcel area, that is required for the highway right-of-way or an easement, etc.

Example for balloon: Just show 5:A

Keep the numbers in sequence when a landowner holds title to more than one tract along an alignment. For example:

Mr. Smith owns three separate tracts of land along the new highway alignment. These tracts are not contiguous to each other. Numbers are assigned as follows:

His first tract may be Parcel No. 15-7:4

His second tract may be Parcel No. 15-7:13

His third tract may be Parcel No. 15-7:28

(Note: **Do not make** the first tract 15-7:4, the second tract 15-7:5 and the third tract 15-7:6, or put all of them under one Ownership Record as 15-7:4, even though the tracts may appear in one Deed of Record. These tracts may be one or two miles apart. Let the numbers fall in place, keeping the numbers in sequence.)

Remember that there are cases when many parcels are required from one entire tract that is contiguous in nature, or from several contiguous tracts.

Mrs Jones owns a saw-toothed or irregular shaped tract (like a group of 40 acre tracts staggered) and the new highway clips across two corners of said tract. Numbers are assigned, for example, as follows:

The first parcel may be Parcel No. 0091:16:A

The second parcel may be Parcel No. 0091:16:2A

Remember that when existing highways are widened, new right-of-way is often required on both sides. In some cases landowners own property on both sides of the highway by the same deed of record. In such cases, parcel numbers may be assigned as follow:

Parcel No. 0091:34:A on the left side

Parcel No. 0091:34:2A on the right side

Use different **base** tract numbers when both sides are owned by same landowner, but in different recorded deeds.

Treat each lot in a subdivision that is being developed as an independent ownership when assigning the **base** tract number in a recorded subdivision, if to date the lots have not been sold-off. Keep in mind the lots could soon be sold off to different owners. (Not BLM or County Lots of a Section.)

Establish under one parcel contiguous lots if the indicated highest and best use of recorded lots is for an industrial tract and could be properly supported by neighborhood trends and by comparable sales in the market.

Integrate lots into one parcel for determining value and for subsequent negotiation or condemnation, where there is a unity-of-use between two or more lots, such as a house built upon two lots, or a commercial improvement.

10-1125.08

INSERT AN ADDITIONAL PARCEL NUMBER

A need to add an additional parcel number may arise after all the numbers have been assigned for the parcels of taking on a project. During the design phase or the acquisition and/or condemnation process, a landowner may obligate or sell a **portion** of their land to another party. To preserve the sequential numbering system, take the same number and add a letter (using the first alphabetic letter from the **reserved letters**: B, D, F, G, H, J, K, N, P, J, V, W, Y), such as:

The first Parcel No. may be :22 or :22:A or :22:E.

The new Parcel No. is :22B or :22B:A or :22B:E.

10-1125.09

TYPE OF PARCEL TAKING

Use the following letters to indicate the **type** of taking from an entire tract of ownership: (See Section 10-1125.06)

- :A = Controlled Access (For no-access or limited-access)
- :C = Purchased in the name of a county or city
- :E = Easement (For perpetual or Temporary)
- :I = Not used, confused with number 1
- :L = Lien (Release of mortgage, contract, lease, etc)
- :M = Material site (Borrow and gravel, etc.)
- :O = Not used, confused with number zero
- :Q = UDOT is grantor (Quit Claim Deed)
- :R = Right-of-Way Deed or Right of Entry
- :S = Severed tract (Land outside the right of way)
- :T = Acquiring all the property (total take - tax rolls)
- :X = Agreement (For railroads, canals, county, city, etc.)
- :Z = Parcels acquired in fee for a railroad re-alignment and ear-marked to be sold to railroad after project completion.

(Note: For further details see Form R/W 210 - Symbols used on Right-of-Way Maps)

Stack letters as needed, such as :AQ, :SQ, :ST, :STQ, :STAQ, :EQ. (See Section 10-1150.10 - Q Deeds Parcel Numbering)

Show the full parcel number in the balloon for example as:

44:A, 44:AQ, 44:ST, 44:STAQ, 44:E, 44:R, 44:X.

Complete the full parcel number in the instrument (deed, easement, etc.), as follows:

(Located in upper right
corner of the document)

Parcel No. 15-7:44:A
Project No. I-15-7(315)19

Where in 15-7:44:A, the :A defines the type of take, Access Control.

Remember **DO NOT** show a "letter" indicating the **TYPE** of taking or any other expansion of the parcel number on the Ownership Record.

10-1125.10

NUMBERING RIGHT-OF-WAY INSTRUMENTS

Examples of Parcel Numbers to acquire property:

- | | |
|-------------|--------------------------------------------------------------|
| 0091:23 | Title for an access road. |
| 0091:23:A | Title for a freeway or expressway. |
| 0091:23:E | For an easement purpose. |
| 0091:23:S | Title for a severed remainder tract. |
| 0091:23:ST | Title for the remaining severed tract. |
| 0091:23:AL | Release mortgage on the controlled highway take. |
| 0091:23:SL1 | Release mortgage on a severed take. |
| 0091:23:L1 | Release mortgage on the parcel for an access road. |
| 0091:23:AL2 | Release second lien-holder on the highway take. |
| 0091:23:SL2 | Release second lien-holder on a severed take. |
| 0091:23:L2 | Release second lien-holder on the parcel for an access road. |
| 0091:23:X | A railroad agreement, canal. |

See Section 10-1195, Condemnations.

10-1125.11

NUMBERING FOR DIFFERENT INTERESTS

The last part of Section 10-1125.04 shows an example for the set-up for parties of interest.

There are conditions when a landowner owns land in fee and has a recorded deed, but has sold the property to a contract purchaser under a Uniform Real Estate Contract or other agreement. Even though the contract may or may not be recorded, both parties need to convey to UDOT the parties interest for the required highway parcel take in the following manner:

1. Prepare Warranty Deed for the original owners to sign and assign parcel numbers, such as :7 or :7:A. The full parcel number for example is: 0091:7 or 0091:7:A.
2. Prepare a Quit Claim Deed for the contract purchaser to sign, clearing all his interest. Assign the same parcel numbers, except add an expansion number for further identification in this way (eg. :7:1 or :7:A1). The full parcel number for example is: 0091:7:1 or 0091:7:A1.
3. Expand the parcel number as above when easements or other non-fee instruments are required. For example 0091:7:E1, for the contract purchaser.

Reflect conditions of uncertainty in ownership when a conflict occurs due to gaps and overlaps in property descriptions, on right-of-way. Let the courts decide the true boundary location. Prepare an instrument and assign a parcel number. Illustrate areas of conflict on the right-of-way map, with a parcel balloon and leader from the balloon to the limits of the conflict parcel area.

The legal description carries the main parcel number. In cases when fences are not on the true property lines, prepare both legal and as-occupied descriptions.

Treat numbering the as-occupied description instrument, used to clear out all interest in the land different's. A **reference number** is used instead of a parcel number. For example:

Reference No. 0091:7 not Parcel No. 0091:7

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10 - 1126:

SUMMARIES

10-1126.01

INTRODUCTION

The Region Right-of-Way Engineer **maintains a summary for monitoring** the action of past, present, and future parcels on each designated project in the development of projects where right-of-way and easements **are required**, action to surplus property, or granting access openings.

Use summary Form RW-253 as a **control sheet** when laying out projects, so the appropriate **area values** on the maps, descriptions, ownership records, and summary Form RW-53 all agree with each other. (Note: For RW-253 summary is not transmitted, but used for information only.)

Use summary Form RW-53 to **monitor** all action in the transmittal of right-of-way packages in the acquisition phase. This action may involve revising or voiding previously submitted parcels, or adding new parcels.

Use summary Form RW-54 to **monitor** the action of surplus property or the granting of access openings.

10-1126.02

PARTIAL SUMMARIES

Use when the right-of-way acquisition is in phases, or as portions of the design are completed and approved for transmittal.

Show on Form RW-53 the partial transmittals as follows:

FIRST PARTIAL SUMMARY OF RIGHT-OF-WAY

SECOND PARTIAL SUMMARY OF RIGHT-OF-WAY

THIRD PARTIAL SUMMARY OF RIGHT-OF-WAY

Continue the transmittal of Partial Summaries as above until the final package is complete, then show as follows:

FOURTH AND FINAL PARTIAL SUMMARY OF RIGHT-OF-WAY

Use to describe the action taken for each parcel. See Section 10-1126.06, Use of Notes.

Note that the revision, addition, or voiding of parcels, can take place in the Partial Summary Phase, up until **all the parcels** on the full project are transmitted to the Right-of-Way Division.

Use supplemental summaries after the **FOURTH AND FINAL PARTIAL SUMMARY OF RIGHT-OF-WAY** has been transmitted. See Section 10-1126.04, Supplemental Summaries.

CAUTION - Never submit a parcel of the same number without voiding and/or replacing the previous parcel entry.

Monitor closely **the action** of parcels, to ensure parcels reflect the current and correct right-of-way design, when changes take place,

10-1126.03

ORIGINAL SUMMARIES

Show the fact that a right-of-way package is complete and all parcels are ready for transmittal **at the same time**, as follows:

ORIGINAL SUMMARY OF RIGHT-OF-WAY

Avoid revising, adding, or voiding parcels on this summary.

10-1126.04

SUPPLEMENTAL SUMMARIES

Begin a series of Supplemental Summaries **after** the Original Summary or the Final Partial Summary has been transmitted.

Use Supplement Summaries for revising, adding, or voiding parcels, until all the parcels on the project are transmitted.

Use as many Supplemental Summaries as needed until all of the right-of-way requirements are met.

CAUTION - Never submit a parcel of the same number without voiding and replacing the previous parcel entry.

See Section 10-1126.06, on the use of notes to describe the action taken for each parcel.

10-1126.05

SUMMARY OF "Q" DEEDS

Log and monitor surplus property on Summary Form RW-54, when tracts are to be sold or traded by UDOT upon the approval from the Right-of-Way Division.

Use Form RW-54 for **granting** access openings, water rights, easements, or any other conveyance from UDOT to another party.

Leave out the names of the Grantees unless requested by the Right-of-Way Division.

List each sheet **consecutively** by sheet number on the Summary of "Q" Deeds.

Refer to Section 10-1150, Surplus Property - "Q" Deeds, for further details.

10-1126.06

USE OF NOTES

Use notes to describe the action involving parcels that have already been transmitted, such as:

(Note: Void Parcel No. 15-7:6:A as shown on the Fifth Partial Summary of Right-of-Way.)

or

(Note: The above Parcel No. 030-1:14 replaces the parcel of the same number on the Original Summary of Right-of-Way.)

or

(Note: Reinstate Parcel No. 091-2:41:2A as shown on the Second Partial Summary and voided on the Fifth Supplemental Summary of Right-of-Way.)

10-1126.07

EXAMPLES

See examples 10-1126.07.1 (Summary Form RW-53) and 10-1126.07.2 (Summary Form RW-54) on following pages.

Example 10-1126.07.1

UTAH DEPARTMENT OF TRANSPORTATION

FIRST SUPPLEMENTAL SUMMARY OF RIGHT-OF-WAY

Sheet 1 of 1

Location: Forest Street Interchange

Project No. STP-1082(1)13

FHWA Approved for Acquisition March 7, 1994

Authority No. 5488

Road Section No. 03 - 523 - 1
Cnty-Route-Reg

Parcel No.	Grantor	Sq Meters	Sq.Ft.	Remarks
1082:1B	Leo R. Smith	334	3598	See also: 1082:1B:1 & 1B:2
2	Brigham City	142	1524	
3	Box Elder County	97	1040	
3:E	" " "	43	466	Perpetual
4:A	Steve Martin, et al	86	921	
	(Note: The above Parcel No. 1082:4:A replaces the parcel of the same number on the Second Partial Summary of Right of Way.)			
	(Note: Void Parcel No. 1082:2:E on the First Partial Summary of Right of Way)			

RW-53 (11/94)

Prepared by: R.H.J. 2/14/94

Checked by: H.J.R. 2/20/94

Reviewed by: A.B.C. 2/30/94

Map Sheet Nos. 6 and 7

1126-5

Example 10-1126.07.2

UTAH DEPARTMENT OF TRANSPORTATION

* SUMMARY OF "Q" DEEDS

Sheet No. 2

Location: SR-89 and SR 193 Interchange

R/W Index (F.A. Project or State Route No.): F-030(9)

Parcel No	Grantee	Square meters	Remarks
030:41:STAQ	(Unknown at this point)	773	

Prepared by: B.C.B. 8/09/94

Map Sheets 12 and 16

Checked by: R.H.J. 8/09/94

1126-6

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10 - 1128:

AGREEMENTS

10-1128.01

INTRODUCTION

Use in special cases, an agreement rather than an easement or a deed of taking.

Execute agreements by all parties involved. Agreements are legally binding.

State clearly and then depict accurately on maps all desires, terms, opinions, purposes, arrangements.

Note that all parties agree and concur with the written terms. Signatures must be accompanied by a notary seal.

Use an orderly format to describe the terms.

10-1128.02

THE AGREEMENT

Show the day, month, and year for the agreement.

Show the full names and addresses of the parties entering into the agreement.

Indicate the first party and second party or other desired names for reference in the agreement. (Owner, UDOT)

A. WITNESSETH

The attesting of the facts.

Place in the contract or agreement, the cited knowledge or testimony of the conditions and/or desires of the parties.

B. WHEREAS

Use as a preamble to document.

Provide as many **qualifying statements** as needed, to clearly define the intent of the parties.

Focus on **only one** point of interest for each WHEREAS statement used.

Cite facts about the purpose, the desired terms, conditions, responsibilities, and arrangements.

C. NOW THEREFORE

Cite all agreed terms and conditions.

Use as many sections or paragraphs as needed to clearly define the intended terms, conditions, and responsibilities of the agreement.

D. IN WITNESS WHEREOF

Provide signature and notary clauses for all parties to execute.

Provide blank line for the day, month, and year to be filled in when notarized.

10-1128.03

PARCEL NUMBER

Use the letter :X for all agreements, for example:

Parcel No. 0045:18:EX

Show the full parcel number in the upper right hand corner on each page of the document.

10-1128.04

MAPS

Include map drawings with all agreements when required.

Show parcel number in a balloon, the same as a regular parcel take.

Provide ownership record with name, address, and property description.

10-1128.05

SUMMARIES

Show the agreement parcel number on the map summary.

Show the agreement parcel number on Summary Form RW-53 and indicate agreement in the remarks column.

10-1128.06

**COORDINATION WITH ENGINEERING COORDINATOR
FOR UTILITIES AND RAILROADS**

The Engineering Coordinator for Utilities and Railroads prepares most agreements, therefore provide descriptions and pertinent information to that coordinator for preparation of the required agreement.

There are cases, such as a change of access agreement, when full agreements are to be prepared by the Right-of-Way Engineer.

Refer to Section 10-1140, Railroads.

Refer to Section 10-1141, Utilities.

EXAMPLES

10-1128.07

See examples 10-1128.07.1 (Wetland Facility) and 10-1128.07.2 (Walkway Overpass Agreement) on the following pages:

Example 10-1128.07.1 (Wetland Facility)

WHEN RECORDED, MAIL TO:
 Utah Department of Transportation
 Right-of-Way, Fourth Floor,
 4501 South 2700 West,
 Salt Lake City, Utah 84119-5998

Agreement

Box Elder County

Parcel No. 0045:18:EX

Project No. *DPI-0045(001)

Ref. Proj. No. *INH-15-8(94)366

This Agreement, made and entered into this _____ day of _____, A.D. 19____, by and between Ray B. Robinson and Bonnie J. Robinson, hereinafter called "Robinsons", of _____, County of _____, State of _____, and the UTAH DEPARTMENT OF TRANSPORTATION, hereinafter called "UDOT", at 4501 South 2700 West, Salt Lake City, Utah 84119.

WITNESSETH:

WHEREAS, said UDOT is required to create and maintain a site for a wetland mitigation area facility, hereinafter called "wetland facility", incident to the construction of the Forest Street Freeway Interchange known as Project Nos. *DPI-0045(001) and *INH-15-8(94)366, and

WHEREAS, the appropriate federal regulatory agencies have approved said site and the plans submitted in connection therewith for the use as said required wetland facility and an appurtenant access road, and

WHEREAS, Said Robinsons are the owners of a certain entire tract of real property in Box Elder County, State of Utah, and desire to grant to said UDOT certain perpetual easements upon parts of said entire tract, and

WHEREAS, said Robinsons and said UDOT desire to combine the needs of said UDOT with the desires of said Robinsons to create said required wetland facility and appurtenant access road upon said parts of an entire tract.

NOW THEREFORE, it is agreed:

1. That said Robinsons agree and consent to a perpetual easement, upon part of said entire tract of property, in the SW1/4 of Section 21, T. 9 N., R. 2 W., S.L.B. & M., in Box Elder County, Utah, for said UDOT to construct and conserve thereon a wetland mitigation area facility and appurtenant parts thereof, subject to the limitation contained hereinafter, incident to the construction of said freeway interchange projects.

The boundaries of said part of an entire tract are describe as follows:

Beginning at the Southeast corner of said wetland facility, which point is 3,849.76 ft. south and 1,489.77 ft. east from the Northwest corner of said Section 21; and running thence N. 70°00'00" W. 235.00 ft.; thence South 575.00 ft.; thence N. 85°00'00" E. 1,050.00 ft.; thence North 250.00 ft.; thence N. 55°00'00" W. 600.00 ft.; thence N. 88°27'39" W. 333.81 ft., more or less, to a point 200.00 ft. north from the point of beginning; thence South 200.00 ft. to said point of beginning. The above described part of an entire tract contains 12.69 acres, more or less.

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

Continued on Page 2

PAGE 2

Parcel No. 0045:18:EX
Project No. *DPI-0045(001)
Ref. Proj. No. *INH-15-8(94)366

2. That said Robinsons agree and consent to a perpetual right-of-way easement, upon, over and across a strip of land, being part of said entire tract, in the E1/2NW1/4 and the NE1/4SW1/4 of Section 21, T. 9 N., R. 2 W., S.L.B. & M., in Box Elder County, Utah, for said UDOT to construct thereon an access road and appurtenant parts thereof, for ingress to and egress from said wetland facility, and for use as a haul road during the construction of said projects, subject to the limitations contained hereinafter. Said strip of land is 24 ft. wide, 12 ft. on both sides of the following described center line:

Beginning in the north line of said Section 21 at a point 2,127 ft. N. 89°32'22" E. from the Northwest corner of said Section 21; and running thence S. 0°47'28" E. 603.03 ft.; thence S. 27°33'57" E. 345.47 ft.; thence S. 11°48'39" E. 279.02 ft.; thence S. 41°49'18" W. 1,104.79 ft.; thence S. 2°00'00" E. 1,664.08 ft. more or less, to the north boundary line of said wetland facility. The above described strip of land contains 2.20 acres, more or less.

3. That no rights herein are granted to the general public for access to, entry upon, or use of any of the land subject to the Easements and Rights-of-Way granted herein, for any purpose.

4. Said UDOT and said Robinsons understand and mutually agree that this instrument does not in any way affect the water right of said Robinsons, except to the extent that the plan for and the creation and maintenance of said wetland facility requires water and may have some incidental effect upon said water rights.

5. That in the event said Robinsons wish to retain the excess excavated material from the construction of said wetland facility, said UDOT will transport said excess material to a disposal site to be located by said Robinsons and within one-half (1/2) mile from said wetland facility. Said Robinsons shall obtain all easements and necessary permits, and must be classified as "Upland" in accordance with wetland criteria. That in the event said Robinsons do not wish to retain said excess material, said UDOT agrees to arrange for its disposal.

6. That said UDOT shall fence the perimeter of said wetland facility with a lawful and adequate fence built with cedar posts and at least five (5) strands of barbed wire, in accordance with UDOT's Standard Drawing No. 720-1A, to prevent livestock from entering the same. Furthermore, said UDOT shall maintain said fence for a period of five (5) years from the date of the completion of said fence, to the extent necessary so that said fence shall adequately and reasonably serve its purpose, but in no event shall said UDOT have fence maintenance responsibilities beyond December 31, 2000. After that date, said fence shall become the property of and maintenance responsibilities shall revert to said Robinsons, their heirs or successors. Said UDOT may, at its sole discretion, from time to time, maintain or assist in maintaining said fence, but shall have no obligation to do so.

Continued on Page 3

SECTION 10-1128 - AGREEMENTS

PAGE 3

Parcel No. 0045:18:EX
Project No. *DPI-0045(001)
Ref. Proj. No. *INH-15-8(94)366

7. That said UDOT and its agents, employees, representatives and any contractors working for said UDOT, while in said wetland facility or while upon said access road, shall take reasonable care to protect all livestock upon said real property, including closing all gates upon ingress or egress.

8. That said Robinsons, their heirs, assigns and /or successors covenant and agree to preserve said wetland facility and its appurtenant parts in the condition as constructed.

9. That said Robinsons shall not construct any permanent structure, nor place, or allow to be placed, any non-indigenous vegetation and/or fill material within said wetland facility except as noted on said approved plans.

10. That said Robinsons shall not permit their livestock to enter or graze within said wetland facility, nor allow third party's livestock to enter or to graze within said wetland facility.

11. That said UDOT shall be responsible for the management of said wetland facility for a period of five (5) years beginning from the date of the completion of the construction of said projects, but in no event beyond December 31, 2000. Thereafter, said UDOT shall have no management rights or responsibilities within said wetland facility, provided however, that said UDOT shall retain the perpetual right to maintain said wetland facility, and shall be relieved of any further claims or demand for costs, damages or maintenance charges which may accrue against said wetland facility and appurtenant parts thereof.

12. That said Robinsons shall allow said UDOT to temporarily relocate a portion of the existing fence in the southerly right-of-way line of Forest Street to be moved to encroach and be built upon said entire tract in order to provide sufficient space for an appropriate turning radius for large trucks and equipment to enter and exit during the construction of said wetland facility, during the construction of said access road and during its use as a haul road for the duration of the construction of said projects; upon the completion of the use as said haul road said UDOT agrees to thereafter replace and reconstruct said fence to its original location and condition.

13. That said UDOT shall restore as is reasonably possible any and all land of said entire tract outside of said wetland facility and access road which have been disturbed by said construction activities to the same condition as it was prior the commencement of said projects; and said UDOT further agrees that upon the completion of said projects it will complete any such restoration as soon as is reasonably possible.

14. That said UDOT shall have no obligation to maintain or remove snow from said access road, except as said UDOT may require for its sole needs and discretion from time to time.

15. That said UDOT shall hold said Robinsons harmless for any actions of its agents, servants and employees while upon said entire tract or upon said wetland facility or said access road which may result in any claim made or filed by third persons against said Robinsons.

Continued on Page 4

PAGE 4

Parcel No. 0045:18:EX
 Project No. *DPI-0045(001)
 Ref. Proj. No. *INH-15-8(94)366

16. That said Robinsons shall retain all hunting rights, including the right to lease or sell those hunting rights, on or within said wetland facility insofar as those rights do not interfere with the preservation of said wetland facility.

17. That the within Easements, Rights-of-Way, Covenants and Agreements shall run with the land in perpetuity, and shall be binding on all parties having, or acquiring, any right, title, or interest in or to any portion of the property over which said wetland facility and said right-of-way are granted herein, whether or not such parties have actual notice of the provisions and terms of this agreement.

18. It is understood that this agreement imposes no other obligations or restrictions upon said Robinsons other than those specifically provided for herein, and that neither said Robinsons nor their successors, assigns, lessees, nor any other person or party claiming under them shall, in any way, be restricted from utilizing all of the subject lands in the customary manner except as otherwise provided herein.

19. That said Robinsons shall pay all taxes and assessments levied against the property over which said wetland facility and said right-of-way are granted herein.

20. That said UDOT shall pay to said Robinsons the sum _____ Dollars, without interest, for all the easements, covenants and rights granted and conveyed herein.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed this _____ day of _____, A.D. 19__.

STATE OF _____)

) ss.

COUNTY OF _____)

On the date first above written personally appeared before me, _____,
 the signers of the within and foregoing instrument, who duly acknowledged to me that they signed the same in their behalf.

 Notary Public

Continued on Page 5

SECTION 10-1128 - AGREEMENTS

PAGE 5

Parcel No. 0045:18:EX
Project No. *DPI-0045(001)
Ref. Proj. No. *INH-15-8(94)366

AND, said UTAH DEPARTMENT OF TRANSPORTATION has caused these presents to be executed this _____ day of _____, A.D. 19__, by its Chief, Right of Way.

[illegible]

UTAH DEPARTMENT OF TRANSPORTATION

By _____
Chief, Right of Way

On the date first above written personally appeared before me, _____, who, being by me duly sworn, did say that he is the Chief, Right of Way, and he further acknowledged to me that said instrument was signed by him in behalf of said UTAH DEPARTMENT OF TRANSPORTATION.

WITNESS my hand and official stamp the
date in this certificate first above written.

Notary Public

APPROVED as to form:

Assistant Attorney General

Example 10-1128.07.2 (Walkway Overpass Agreement)

WHEN RECORDED, MAIL TO:
 Utah Department of Transportation
 Right-of-Way, Fourth Floor,
 4501 South 2700 West,
 Salt Lake City, Utah 84119-5998

Walkway Overpass Agreement

(CONTROLLED ACCESS)

Parcel No. 00:1:X
 Project No. 000-00(00)

This Agreement, made and entered into this _____ day of _____, A.D. 19__, by and between the UTAH DEPARTMENT OF TRANSPORTATION, hereinafter called "UDOT", at 4501 South 2700 West, Salt Lake City, Utah 84119 and the County of _____, a body corporate and politic of the State of Utah, hereinafter called the "County".

WITNESSETH:

WHEREAS, said UDOT has adopted a resolution declaring that highway known as Project No. _____ has been designated as a limited-access facility, and portions of which highway lie within the limits of the County, and,

WHEREAS, a plan for said highway has heretofore been prepared by said UDOT showing that portion of said highway within the limits of the County as it affects the existing walkways for pedestrian traffic on either side of the no-access limits of said highway, including the provisions for connecting the existing or proposed county sidewalks, hereinafter called "the sidewalks", by a pedestrian walkway overpass structure, connecting terminals, and appurtenant parts thereof, hereinafter called "overpass", which is to cross over said highway.

NOW THEREFORE, it is agreed:

1. The parties hereto agree and consent to the construction of said overpass, which is to cross over said highway at Engineer Station _____, and to connect with the sidewalks. Said overpass is located in _____ of Section ___, T. ___, R. ___, S.L.B. & M.

2. Said UDOT will, at the expense of said UDOT, construct said overpass and connect the same to the sidewalks in accordance with said plan, or as the same may be hereafter modified by subsequent agreement between the parties hereto.

3. There shall be no access from said overpass to or from the highway right of way.

4. The County will resume control and maintenance of said overpass on notice from said UDOT that the work herein provided for has been completed.

5. This agreement may be modified at any time by the mutual consent of the parties hereto, as may become necessary for the best accomplishment through UDOT and County cooperation of crossing the pedestrian traffic over said highway project for the benefit of the people of the State and County

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

Continued on Page 2

SECTION 10-1128 - AGREEMENTS

PAGE 2

Parcel No. 00:1:X
Project No. 000-00(00)

IN WITNESS WHEREOF, said UTAH DEPARTMENT OF TRANSPORTATION has caused these presents to be executed this _____ day of _____, A.D. 19__, by its Chief, Right of Way.

[illegible]

UTAH DEPARTMENT OF TRANSPORTATION

COUNTY OF S A L T L A K E)

By _____
Chief, Right of Way

On the date first above written personally appeared before me, _____, who, being by me duly sworn, did say that he is the Chief, Right of Way, and he further acknowledged to me that said instrument was signed by him in behalf of said UTAH DEPARTMENT OF TRANSPORTATION.

WITNESS my hand and official stamp the
date in this certificate first above written.

Notary Public

AND, said _____ County has caused these presents to be executed by its proper officer thereunto duly authorized, this _____ day of _____, A.D. 19__.

[illegible]

A County of the State of Utah

COUNTY OF)

By _____
County Clerk

On the date first above written personally appeared before me, _____, who, being by me duly sworn, did say that he is the County Clerk of _____ County, a body corporate and politic of the State of Utah, and that the within and foregoing instrument was signed in behalf of said county by authority of a Resolution of the Board of County Commissioners and said _____ acknowledged to me that said County executed the same.

WITNESS my hand and official stamp the
date in this certificate first above written.

Notary Public

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DEEDS AND OTHER INSTRUMENTS

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10 - 1129:

DEEDS AND OTHER INSTRUMENTS

10-1129.01

INTRODUCTION

UDOT acquires private and public lands for **highway purposes**, remainders, landlocked tracts, material sites, maintenance sheds, and rest areas.

UDOT disposes of property deemed surplus, grant access openings, and easements.

The Attorney General has instructed UDOT to prepare Warranty Deeds in most cases as the primary instrument when acquiring property for **highway purposes**, even if the ownership title was acquired by quit claim deed.

Use a quit claim deed when UDOT conveys surplus property. See Section 10-1150, Surplus Property - "Q" Deeds.

Owners such as churches, State Land Board, or corporations, will only sign a quit claim deed for property UDOT acquires from them.

See Section 10-1131, Right-of-Way Forms, (located in separate book). In cases the forms may require modification.

Identify deeds by an assigned parcel number, linked to the summaries, ownership record, and maps.

10-1129.02

DEEDS

Acquire all real property in fee, preferably with a warranty deed or quit claim deed. Prepare a special warranty deed when requested by Right-of-Way agent.

Land acquired by a Right-of-Way Deed results in a perpetual easement. The adjoining property owners still have the underlying fee to the center on the road.

Include the fee, in the deed, to the center of the present road, or wherever the property rights extend. See Section 10-1133.15, Underlying Fee.

Prepare all office copies and other documents to show the names of the grantors, or other interested parties the same as indicated on the ownership record.

A deed must contain the names of the Grantor, the Grantee, a description, and proper signature clauses. (Right-of-Way Acquisition will fill in the name)

GRANTORS - Provide adequate spacing for the signatures of all parties named as grantors.

NOTARY PUBLIC - Each grantor must sign in the presence of a notary. Every executed instrument is to have the notary's signature and seal.

ENCUMBRANCES - Prepare the proper supplemental instruments to clear any liens, mortgages, leases, interests, claims, easements, or other encumbrances affecting the land.

PARTIAL RELEASE OF MORTGAGE - Prepare a Release of Mortgage Instrument, to clear title of **that portion** for highway purposes, under a UDOT acquisition contract.

EASEMENTS - Relinquish easements by a release of easement, quit claim deed, joint use agreement.

RECORDED LANDOWNER - Ensure grantor of a deed is the person or persons of record in the specific county.

NEW GRANTEE - The landowner records the deed. Update all changes in ownership.

REAL-ESTATE CONTRACT - Treat the selling of land, when a landowner is selling a portion of land to a buyer under a real-estate contract and a highway parcel is required, as follows:

1. List the landowner (seller) as the recorded owner on the highway Warranty Deed, with a description of the highway take.
2. Provide, from the Ownership Record, the same parcel number. Add the needed extensions, such as:

Parcel No. 0091:7 or 0091:7:A

3. List the contract purchaser (buyer) as a party of interest on a separate highway quit claim deed, using the same description as provided in the highway warranty deed mentioned from number 1 above.

4. Provide the parcel number from the warranty deed adding either a :1 or just a 1, as in the following:

Parcel No 0091:7:1 or 0091:7:A1

(Note: Never use more than two colons in a string.)

5. See Section 10-1125.11, Numbering For Different Interest.

10-1129.03

STANDARD RIGHT-OF-WAY FORMS

See standard forms in Section 10-1131, Right-of-Way Forms.
(located in separate book)

Know the type and method of ownership, such as:

Individual, Corporation, Limited-Partnership.

Know what clauses are required for each parcel and what kind of highway facility is being built and the desired restrictions.

Know the grantor and the grantee.

Select and complete all necessary forms.

10-1129.04

OFFICE COPY

Except for the signature and notary information, the office copy is similar to the deed with all the required elements.

Show the names of the grantors and type ownership, such as partnership, joint tenants, or corporation.

Show station values for limits of the parcel and the parcels relation to the center line, such as: both sides, northerly side, or southerly side.

See Example 6 in Section 10-1132, Right-of-Way Examples.

10-1129.05

COMPONENTS OF A DEED

TITLE - UDOT return address, Title of deed, Identifier (Parcel Number), space for recordation.

PREAMBLE - (1) Identify Principals, (2) Location of Principals, (3) Manner of Conveyance, (4) Terms of Transaction, and (5) County Reference.

PREREQUISITE OR CAPTION - (1) Cite in fee and purpose, (2) Location reference, and (3) Method of Description.

BODY OF DESCRIPTION - (1) Ties to monuments, (2) Directions and Distances, (3) Qualification of Courses, (4) Official map reference, and (5) Area Statement.

NOTES - (1) Clarification, (2) Explanations, (3) Basis of Bearing, Conversion, and Rotation Values.

REGULATORY CLAUSES - (1) Augmentations, (2) Together with conditions, (3) Subject to's, (4) Covenants, (5) Exceptions, (6) Restrictions, and (7) Qualifications.

ACKNOWLEDGMENT - (1) Citation of Authority, (2) Identify Signer, and (3) Formal Execution and Seal.

NOTARY - (1) Certification, and (2) Blank space for stamp.

PREPARATION OF DEED - Credit and Date.

10-1129.06

PAPER SPECIFICATIONS

SIZE - Use 8½ in. by 11 in. for deeds.

TYPE PAPER - Use a 50% cotton acid free paper.

PRINTS - Prepare two **original copies** of the main instruments. One copy is for the grantors signatures and recordation, and the second copy is for the grantor.

STAMP COPY - Stamp the Grantor's **original copy** of the deed with red ink.

- Obtain for use, a stamp with the notation "COPY." The stamp size should be about 1 in. high by 2 in. wide.

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10 - 1130:

EASEMENTS

10-1130.01

EASEMENT

Provides the **right of use** for a designated purpose across or upon another landowners property.

10-1130.02

GUIDELINES

Attorney General instructions:

1. Not to have multi-purpose easements. An example would be as calling for an irrigation facility and for utility features within the same easement.
2. Provide a time period of 2, 3, or 5 years within the expiration clause for temporary easements.

Expiration clause example for temporary easements is as follows:

This easement shall expire upon the completion of the construction of said project or 5 years after the date of the execution of the within instrument, whichever first occurs.

Use a perpetual easement when a permanent (physical) feature is required to be constructed, such as an irrigation ditch, cut and/or fill slopes, or sidewalks.

The purpose of a temporary easement is to provide a work area adjacent to a perpetual easement or adjacent to the right-of-way line. **NO** public or highway permanent features are to be constructed within the limits of temporary easements.

Use temporary easements, within the limits of a highway project, when the adjoining landowners property will be affected: (1) to **restore** a private access road; (2) improve and/or match driveway grades; (3) make **minor** cut and or fill slopes (when the vertical distance is 0.3 meter or less) such as in a subdivision; and (4) **restore** sprinkling systems, and fences.

Temporary easements **ARE NOT** to have any restrictions, such as a slope protection clause.

A Release of Liability Clause is required in all perpetual and temporary easements, to release UDOT of any and all liability **unless** UDOT intends to maintain the facility.

10-1130.03

EASEMENT AREAS

Calculate and show the area value in all easements, for both perpetual and temporary, and show on all required summaries.

Show area value in **square meters** for all easements and deeds, such as:

"...contains_____square meters in area..."

Use, **more or less**, in the area value when the description has a more or less distance, and the area in the description is not certain (e.g. 23 844 square meters, more or less).

LANGUAGE FOR EASEMENT AREAS

1. Use the following for a **metes and bounds** description:

"The above described part of an entire tract of land contains..."

2. Use the following for a **side-line** description:

"The above described strip of land contains..."

10-1130.04

EASEMENT CLAUSE FOR "Q" PARCELS

When an easement is required and prepared (:E) for highway purposes, crossing property that UDOT later acquires as a remnant (:S or :ST), then sells as surplus property (:SQ or:STQ), the conveyance must be made subject to the following restrictions to protect slopes and/or other highway features:

1. That the herein Grantees, by consent of the Utah Department of Transportation, shall have the right to lessen but not to increase the vertical distance or grade of said cut and/or fill slopes.
2. Together with and subject to any and all easements, rights-of-way, and restrictions appearing of record or enforceable in law and equity.
3. Junkyards, as defined in 23 United States Code, Section 136, shall not be established or maintained on this tract.

10-1130.05

CLAUSES IN EASEMENTS

- **RELEASE OF LIABILITY CLAUSE**, use in perpetual and temporary easements.

After said irrigation facility is constructed on the above described part of an entire tract at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said irrigation facility and appurtenant parts thereof.

- **SLOPE PROTECTION CLAUSE**, use in perpetual easements only.

It is agreed hereby, that the Owners, by consent of the Utah Department of Transportation, shall have the right to lessen but not to increase the vertical distance or grade of said cut and/or fill slopes, after said slopes are constructed on the above described lands at the expense of said Utah Department of Transportation, thereafter said Utah Department of Transportation is relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said slopes and appurtenant parts thereof."

- **EXPIRATION CLAUSE**, use in temporary easements only.

This easement shall expire upon the completion of the construction of said project or 5 years after the date of the execution of the within instrument, whichever first occurs.

- **ALSO TEMPORARY EASEMENT RIDER CLAUSE:**

ALSO:

A temporary easement to facilitate the construction of said irrigation facility and appurtenant parts thereof, being upon a strip of land 3 m wide and adjoining southerly the southerly side line of the above described part of an entire tract of property. Said strip of land contains _____ square meters in area, more or less.

The hereinabove temporary easement shall expire upon the completion of the construction of said irrigation facility, or 5 years after the date of the execution of the within instrument, whichever first occurs.

- **PRESERVE WETLAND COVENANT**, use in a perpetual easement when acquiring for a wetland facility.

AS A COVENANT running with the land in perpetuity, the Owners of said entire tract of property, for themselves and for their heirs, assigns and/or successors, covenant and agree to preserve said wetland facility and its appurtenant parts in the required condition as constructed and as accepted by the U.S. Army Corps of Engineers, upon the above described part of an entire tract at the expense of the Utah Department of Transportation, thereafter said Utah Department of Transportation is relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said wetland facility and appurtenant parts thereof.

10-1130.06

EXAMPLES

See examples 10-1130.06.1, 10-1130.06.2, and 10-1130.06.3 on the following pages:

Example 10-1130.06.1

WHEN RECORDED, MAIL TO:
 Utah Department of Transportation
 Right-of-Way, Fourth Floor,
 4501 South 2700 West,
 Salt Lake City, Utah 84119-5998

Easement

Symphony County

Parcel No. 0123:45B:E
 Project No. SP-0123(4)560

_____, Grantor_,
 of _____, County of _____, State of _____,
 hereby GRANTS AND CONVEYS to the UTAH DEPARTMENT OF TRANSPORTATION, at
 4501 South 2700 West, Salt Lake City, Utah 84119, Grantee, for the sum
 of _____ Dollars,

a perpetual easement, upon part of an entire tract of property, in Lots 30 and 34
 of Block 11, Plat "A", Symphony Survey, a subdivision in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22,
 T. 9 N., R. 1 W., S.L.B. & M., in Symphony County, Utah, for a flood plain and a
 riparian planting area and appurtenant parts thereof incident to the widening of
 the existing expressway State Route 91 known as Project No. 0123.

The boundaries of said part of an entire tract are described as follows:

Beginning at the Southeast corner of said Lot 30; and running thence
 S. 80°50'24" W. 428.87 ft., more or less, along the southerly line of said Lots
 30 and 34 to the Southwest corner of said Lot 34; thence N. 0°38'29" E. 49.08 ft.
 along the westerly line of said Lot 34; thence N. 77°34'18" E. 169.02 ft.; thence
 N. 87°09'28" E. 261.52 ft., more or less, to the easterly line of said Lot 30;
 thence S. 6°26'33" W. 30.34 ft. along said easterly line to the point of
 beginning. The above described part of an entire tract contains 20,393 square
 feet in area or 0.468 acre, more or less.

(Note: All bearings in the above description are based upon the Utah State
 Plane Coordinate System modified.)

AS A COVENANT running with the land in perpetuity, the Owners of said entire
 tract of property, for themselves and for their heirs, assigns and/or successors,
 covenant and agree to preserve said flood plain and riparian planting areas as
 constructed and accepted by the U.S. Army Corps of Engineers, upon the above
 described part of an entire tract at the expense of the Utah Department of
 Transportation, thereafter said Utah Department of Transportation is relieved of
 any further claim or demand for costs, damages or maintenance charges which may
 accrue against said flood plain and riparian planting areas and appurtenant parts
 thereof.

Continued on Page 2

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1130 - EASEMENTS

PAGE 2

Parcel No. 0123:45:E
Project No. SP-0123(4)560

WITNESS, the hand_ of said Grantor_, this _____ day
of _____, A.D. 19____.

Signed in the presence of:

STATE OF

)

) ss.

COUNTY OF

)

On the date first above written personally appeared before me,
_____,
the signer_ of the within and foregoing instrument, who duly acknowledged to me
that _he_ executed the same.

Notary Public

Example 10-1130.06.2

WHEN RECORDED, MAIL TO:
 Utah Department of Transportation
 Right-of-Way, Fourth Floor,
 4501 South 2700 West,
 Salt Lake City, Utah 84119-5998

Easement

Symphony County

Parcel No. 0123:9:E
 Project No. NH-0123(4)560

_____, Grantor_,
 of _____, County of _____, State of _____,
 hereby GRANTS AND CONVEYS to the UTAH DEPARTMENT OF TRANSPORTATION, at
 4501 South 2700 West, Salt Lake City, Utah 84119, Grantee, for the sum
 of _____ Dollars,

a perpetual easement, upon part of an entire tract of property in Lot 6 of Block 11,
 Plat "A", Mantua Survey, a subdivision in the SE¼SW¼ of Section 15, T. 9 N.,
 R. 1 W., S.L.B. & M., in Symphony County, Utah, for the purpose of constructing
 thereon an irrigation facility and appurtenant parts thereof incident to the
 widening of the existing expressway State Route 91 known as Project No. 0091.

Said part of an entire tract is a strip of land 15.00 ft. wide, adjoining
 southeasterly the following described portion of the southeasterly right of way and
 limited-access line of said project:

Beginning in the southerly line of said Lot 6 at a point approximately
 355.87 ft. S. 83°51'14" E. from the Southwest corner of said Lot 6, said point of
 beginning is also 352.11 ft. N. 0°27'39" E. along the west line of said Section 15
 and 1680.80 ft. S. 83°51'14" E. from the Southwest corner of said Section 15; and
 running thence N. 27°20'11" E. 180.30 ft., more or less, to the northerly line of
 said Lot 6. The above described strip of land contains 2,701 square feet in area
 or 0.062 acre, more or less.

(Note: All bearings in the above description are based upon the Utah State
 Plane Coordinate System modified.)

ALSO:

A temporary easement to facilitate the construction of said irrigation facility
 and appurtenant parts thereof, being upon a strip of land 10 ft. wide and adjoining
 southeasterly the southeasterly side line of the above described part of an entire
 tract of property. Said strip of land contains 1803 square feet in area or 0.041
 acre, more or less.

The hereinabove temporary easement shall expire upon the completion of the
 construction of said irrigation facility, or 5 years after the date of the execution
 of the within instrument, whichever first occurs.

After said irrigation facility is constructed on the above described part of
 an entire tract at the expense of the Utah Department of Transportation, said Utah
 Department of Transportation is thereafter relieved of any further claim or demand
 for costs, damages or maintenance charges which may accrue against said irrigation
 facility and appurtenant parts thereof.

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

Continued on Page 2

SECTION 10-1130 - EASEMENTS

PAGE 2

Parcel No. 0123:9:E
Project No. NH-0123(4)560

WITNESS, the hand_ of said Grantor_, this _____ day
of _____, A.D. 19____.

Signed in the presence of:

STATE OF)

) ss. _____

COUNTY OF) _____

On the date first above written personally appeared before me,
_____,
the signer_ of the within and foregoing instrument, who duly acknowledged to me
that _he_ executed the same.

Notary Public

Example 10-1130.06.3

WHEN RECORDED, MAIL TO:
 Utah Department of Transportation
 Right-of-Way, Fourth Floor,
 4501 South 2700 West,
 Salt Lake City, Utah 84119-5998

Easement

Symphony County

Parcel No. 0123:33:E
 Project No. NH-0123(4)560

_____, Grantor,
 of _____, County of _____, State of _____,
 hereby GRANTS AND CONVEYS to the UTAH DEPARTMENT OF TRANSPORTATION, at
 4501 South 2700 West, Salt Lake City, Utah 84119, Grantee, for the sum
 of _____ Dollars,
 a perpetual easement, upon part of an entire tract of property, in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and
 the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T. 4 N., R. 1 W., S.L.B. & M., in Symphony County, Utah,
 for the purpose of constructing thereon cut and/or fill slopes and appurtenant parts
 thereof incident to the widening of an existing expressway State Route 89 known as
 Project No. 030.

The boundaries of said part of an entire tract are described as follows:

Beginning in the southeasterly boundary line of said entire tract at a point
 30.00 ft. perpendicularly distant easterly from the center line of a frontage road
 known as the "E1" Line of said project, which point is 1321.00 ft. S. 89°58'22" E.
 along the north line of said Section 12, 1096.41 ft. S. 0°20'27" W. along the east
 line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 1007.14 ft. S. 74°15'00" W. from the Northwest corner of
 said Section 12; and running thence N. 3°55'31" E. 301.09 ft., more or less, along
 a line parallel to said "E1" Line, to the northerly boundary line of said entire
 tract; thence N. 82°06'58" E. 40.50 ft. along said northerly boundary line to a
 point 64.64 ft. perpendicularly distant easterly from said "E1" Line at Engineer
 Station 13+13.32; thence S. 6°30'46" W. 213.54 ft.; thence S. 45°03'57" E.
 92.15 ft., more or less, to said southeasterly boundary line; thence S. 74°15'00" W.
 105.71 ft., more or less, along said southeasterly boundary line to the point of
 beginning. The above described part of an entire tract contains 12,952 square feet
 in area or 0.297 acre, more or less.

(Note: Rotate all bearings in the above description 0°21'04" clockwise to
 match highway bearings based upon the Utah State Plane Coordinate System modified.)

It is agreed hereby, that the Owners, by consent of the Utah Department of
 Transportation, shall have the right to lessen but not to increase the vertical
 distance or grade of said cut and/or fill slopes, after said slopes are constructed
 on the above described lands at the expense of said Utah Department of
 Transportation, thereafter said Utah Department of Transportation is relieved of any
 further claim or demand for costs, damages or maintenance charges which may accrue
 against said slopes and appurtenant parts thereof.

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(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1130 - EASEMENTS

PAGE 2

Parcel No. 0123:33:E
Project No. NH-0123(4)560

WITNESS, the hand_ of said Grantor_, this _____ day
of _____, A.D. 19__.

Signed in the presence of:

STATE OF

)

) ss.

COUNTY OF

)

On the date first above written personally appeared before me,
_____,
the signer_ of the within and foregoing instrument, who duly acknowledged to me
that _he_ executed the same.

Notary Public

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RIGHT-OF-WAY EXAMPLES

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:02	Examples Listed by Subject
:03	Examples

10 - 1132:

RIGHT-OF-WAY EXAMPLES

10-1132.01

INTRODUCTION

Use examples as a **quick reference** in preparing instruments.

The examples are listed in an alphabetical order.

Use **metric values** when writing descriptions and building deeds.

Section 10-1131, Right-of-Way Forms, located in a separate book, provide examples for the various agreements, deeds, easements, and summaries.

10-1132.02

EXAMPLES LISTED BY SUBJECT

ABANDONED COUNTY LANE - (Example 45)

ABUTTER'S CLAUSE - (Example 42)

ACCESS, GRANT OF - (Example 24) See Section 10-1131, Right-of-Way Forms, for forms RW-18A and 19A.

ACCESS OPENING - (Example 6) Provide width of either a 8, 14 or 15 meter wide section, see Policy 08A3-12.

ACCESS, RESERVING PUBLIC - Break in the L/A Line. This is not a private or regular access opening.

ACCESS RIGHTS, RELINQUISHMENT OF - (Examples 17, 17a, 17b, and 17c) Close access openings.

ADDITIONAL PARCEL OF LAND - (Example 38) An additional parcel was required after the first parcel taking.

AGREEMENT - (Example 2) An agreement between BOR and UDOT.

ALL IN - (Example 3) Use in prerequisite of description when two or more sections are involved.

ALONG - (Example 3) The following ... courses and distances:

ALONG THE ARC - (Example 3) Along the arc of a __ m (meter) radius curve to the right or left, concentric with, and chord note.

APPROXIMATELY - Use in the point of beginning ties or when beginning point is uncertain.

APPURTENANT - (Example 9) Use in all easements as part of the standard format in the Prerequisite. (Example 42) Use in the abutter's right clause.

AREA - (Example 39) Use when combining two area values.

AREA - Show on ownership record, deeds, easements, and summaries, using metric values.

ASIDE, SET ASIDE, AND PLACED ON RECORD - (Example 47) Use on a :C parcel when a city is conveying to itself. Purpose is to have the new right-of-way placed on record.

ASSIGNMENT OF RIGHT-OF-WAY AND EASEMENT - (Example 28) hereby assigns and transfers.

BEARING - (Example 5) Shows type of survey system.

BEARING EQUATION - (Example 35) Shows the relationship between the property bearing and the highway bearing.

BEARING RELATIONSHIP CLAUSE - (Example 13) Rotate bearings to match highway.

BEGINNING, POINT OF - See point of beginning.

BLOCK, LOT, SUBDIVISION AND SURVEY - (Example 27) Shows lots, blocks, location and source of survey.

BOUNDARIES - (Example 4) Use in metes and bounds descriptions.

BOUNDARY LINE - (Example 25) States along boundary of said entire tract. Use in metes and bounds descriptions.

BY RECORD - (Example 20) Use to clarify difference in distances between distance of record versus surveyed values.

CANALS - (Example 22 & 22a) Agreement format for descriptions crossing canals. Usually no conveyance of fee simple. Use an :X or :AX in the parcel numbering system.

CENTER LINE, PARALLEL TO - (Example 3) Describes a line that is parallel to and a certain distance from the center line.

CERTIFICATION FOR REIMBURSEMENT - When all of an entire tract of property is acquired, but only a portion is required for highway use, the **portion** within the highway right-of-way limits is described and a reference parcel assigned to said portion. See page 1131-183 in Section 10-1131, Right-of-Way Forms.

CHANGE OF ACCESS OPENING, AGREEMENT FOR - (Example 23) Reference to the existing highway project, all recording information is stated regarding the existing opening. The new access opening location is referenced either to the new highway project or the old highway project.

CHORD NOTE - (3) Use after the course along an arc in the description. The note gives the chord bearing and distance.

CITY - (Example 42) Acquiring land from a city.

CLOSE ACCESS-PROVIDE OPENING - (Examples 14, 17, 51) Control the right-of-way line, provide access opening.

CLOSE ALL ACCESS - (Examples 17a & 17b) Control all access rights along the right-of-way line **with no** openings.

CLOSE EXISTING ACCESS OPENINGS - (Example 17c)

CONCENTRIC WITH - (Example 3) Describes a line that is concentric with and at a certain distance from the center line.

CONTIGUOUS - Use in ownerships: (Note: Not all tracts of land conveyed in deed are shown, since they are not contiguous.)

CONTRACT PURCHASERS - Use a Quit Claim Deed to clear out interest from second party purchasing land on a Uniform Real Estate Contract (recorded or non-recorded). Use a Warranty Deed for the original owner who is selling their land to the contract purchaser. Use a :1, :2 and :3 etc., or if controlled use :A1 or an easement use :E1.

CONTROL OF ACCESS - (Example 21) Used to control a portion of the right-of-way. The ends of the controlled lines are defined as designated Point "A" and Point "B" in the description.

CONTROL OF ACCESS CLAUSE - (Example 6) A controlled expressway with access openings provided.

CONVEYANCE - Shows the total area that is being conveyed.

CORRECTION INSTRUMENT - (Examples 34 & 49) Use only when brought to UDOT's attention that a minor error, such as typographical error, was made in a prior deed that has been executed and recorded and can not be revised, but needs to be corrected. **CAUTION MUST BE TAKEN** in that no major change in the description is made or altered from the original intent, or no change in size or area of the land for the conveyance in the new Correction Instrument is made. (Note: If major changes need to be made, consider the following options: 1. If the original taking is too large then UDOT would have to convey back to the owner by Quit Claim Deed the area not needed. 2. If the area was too small then a new deed would be required. See page 1131-122 in Section 10-1131, Right-of-Way Forms.

COVENANT RUNNING WITH THE LAND - (Example 1) Linking restrictions, (Example 46) preserves wetland facility, (Example 49) preserves flood plain and riparian planting area.

DAMAGES TO REMAINING PROPERTY - (Example 1) Statement releases UDOT from claims from the adjoining landowner when UDOT closes temporary access openings.

DECLARATION OF LAND-USE PROTECTION - (Example 30) Reserves a protection zone.

DEDICATED COUNTY ROAD OF RECORD - (Example 25) Use in descriptions to define the right-of-way of existing highways given to the state, county, or city by plat or description.

DIVISION OF STATE LANDS - (Example 34) A Quit Claim Deed from the Department of Natural Resources, Division of State Lands (State Land Board). Although this example is for a correction instrument the format is the same. Modify the instrument by removing the items pertaining to a correction deed.

DRAINAGE FACILITY - Type of use described in an easement.

EASEMENT

(Example 7) Constructing and maintaining thereon deer control fence. Also, shows a metes and bounds description.

(Example 8) A temporary easement, constructing an approach road, but no maintenance. The expiration and liability clauses are shown. (Generally, for work easements when no permanent feature is constructed on the land.)

(Examples 9 & 40) Shows a side line strip of land. Meaning the limits of the easement are defined by a distance value from a line that can be described. Example: a strip of land _____ m (meter) wide adjoining the southeasterly... (Note: It is very important the word **portion** is used if describing a right-of-way line, a limited-access line, or a no-access line.

(Example 26) Constructing cut and/or fill slopes (no maintenance). Note the slope protection clause.

(Example 35) A perpetual easement, constructing cut and/or fill slopes and an irrigation facility (no maintenance). Note slope protection clause. (Use statement: incident to the widening and grading of the roadway.)

(Examples 48 & 49) A perpetual easement, for a flood plain and wetland facilities with clause AS A COVENANT running with the land in perpetuity.

EASEMENT, IRRIGATION FACILITY - (Example 35) A perpetual easement, constructing thereon an irrigation facility.

EASEMENT, SIDE LINE - (Example 41) In-so-far as it lies within said entire tract.

ENCUMBRANCES - Such as easements, right of ways, permits.

ENGINEER STATION - (Example 4) Tying point on center line and station.

ENTRY, RIGHT OF - (Example 15) For public highways.

EQUALS, WHICH - (Example 35) Relationship between the property bearing and the highway bearing.

EXCEPTING CLAUSE - (Example 6) Use with the control of assess clause for establishing designated openings (sections) tied to highway stations with an approved width of either a 5, 10 or 15 m (meter) wide section, see Policy 08A3-12.

EXECUTOR'S DEED - Under Project No. I-15-7(19)312 with Parcel No. 15-7:67:A is an example.

EXISTING HIGHWAY, RIGHT-OF-WAY LINE OF THE - (Example 42) Right-of-way lines.

EXISTING HIGHWAY, WIDENING OF THE - (Example 4) for the widening of the existing highway.

EXPIRATION CLAUSE - (Example 8) A temporary easement with the expiration clause.

EXTENSION OF TIME WITH RENEWAL OPTION - (Example 29) Clause describes the terms for extending the time limit for the use of the land, otherwise it will expire.

FEE - (Example 5) **In fee** is used in most deeds to acquire absolute title, fee simple, or underlying fee to a tract of property.

FLOOD PLAIN AND A RIPARIAN PLANTING AREA - (Example 49) As a covenant running with the land.

FLOOD PLAIN EASEMENT - (Example 48 and 49) A perpetual easement for a flood plain and wetland facilities with clause AS A COVENANT running with the land in perpetuity.

FOREST LAND - (Example 3) Right-of-way across Forest Land.

FORMER - (Example 37) Former right-of-way line. This term former is used to describe an old abandoned or replaced right-of-way line, but is still indicated by call in the deeds of record. One must explore the history of the old road systems and how they affect the property lines of the adjacent landowners. In many cases when highways are moved and relocated nearby, the existing deeds of record may refer to the right-of-way lines of the former highway and not to the right-of-way lines of the existing highway.

FRONTAGE ROAD - A parcel of land in fee for a frontage road incident to the widening of the existing expressway State Route 91 known as Project No. 0091, being part...

GATES, LOCKED - (Examples 31 & 31a) Providing utility access with a locked gate to remain locked when not in use. Use only when approved by federal authority on federal projects.

GRADING, WIDENING AND - (Example 35) Use in easement for the purpose of constructing thereon cut and/or fill slopes.

GRANTEE - (Example 48) Shows Mantua Town, a municipal corporation of the State of Utah, Grantee. The deed has to be modified to show the name of the correct grantee and address.

GRANT OF ACCESS - (Example 24) Provides a new access opening. See Section 10-1131, Right-of-Way Forms, for forms RW-18A and 19A.

HARMLESS, INDEMNIFY AND HOLD - (Example 48) Liability protection against toxic and environmental pollution.

HEIRSHIP AND INTEREST - (Example 50) The determination of heirship.

INDEMNIFY AND HOLD HARMLESS - (Example 11) Against any and all damages, claims, liabilities, losses, and penalties.

IN-SO-FAR AS IT LIES WITHIN - (Example 41) Use to link easement limits within the landowners property.

INTEREST - (Example 50) Interest for different parties.

INTEREST, RIGHT, TITLE AND - (Example 32) Use when an adjacent landowner has a legal right-of-way across the parcel of land required for highway purposes. Acquire interest by Quit Claim Deed from party of interest. Do not use term in fee.

INTEREST, UNDIVIDED - (Example 39) There are different ways to state the interest that the landowners may have. To make sure the interest is not left off the deed is to indicate the interest in the description as shown in the example.

INTERSECTION - (Example 4) Use in the point of beginning.

IRRIGATION AND SLOPE FACILITY - (Example 35) A perpetual easement for the purpose of constructing cut and/or fill slopes and for an irrigation facility (no maintenance). Use slope protection clause. This was a special case. Should not have multi-purpose easements.

JUNKYARD CLAUSE - (Example 44) Use in "Q" Deeds. Conveyance subject to easements, restrictions, and rights-of-way.

LAND-USE PROTECTION, DECLARATION OF - (Example 30) Reserves a protection zone.

LIES WITHIN, IN-SO-FAR AS IT - (Example 41) Use to link easement limits within the landowners property.

LIFE ESTATE - (Example 43) Use Quit Claim Deed to clear out interest a person has (Life Estate) in the land for the parcel needed for highway purposes. Life Estate means the landowner has conveyed their property to their children, but retained the use of the land for as long as they live.

LOCKED GATES - (Example 31 & 31a) Providing utility access with a locked gate, to remain locked when not in use. Use only when approved by federal authority on federal projects.

LOT, BLOCK, SUBDIVISION AND SURVEY - (Example 27) Shows lots, blocks, location and source of survey.

MEASUREMENT, BY - (Example 20) Use to clarify difference in distances between distance of record versus surveyed values.

MONUMENTS - (Example 19) The tie describes the monument.

MOVE ACCESS OPENING - (Example 23) See change of access opening.

NATURAL RESOURCES, DEPARTMENT OF - (Example 34) A Quit Claim Deed from the Department of Natural Resources, Division of State Lands (State Land Board). Although this example is for a correction instrument the format is the same. Modify the instrument by removing the items pertaining to a correction deed.

OCCUPIED AREA OF LAND, TOGETHER WITH - (Example 25) the occupied area of land within said existing 1.50-chain wide dedicated county road right of way containing ... area.

OCCUPIED, NOW - (Example 37) The area of land that is now occupied in the existing right-of-way.

OFFICIAL MAP - (Example 1) Use in all deeds when UDOT is acquiring land for highway use, but is not shown on severed parcel takings (:S and :ST Parcels).

OPENINGS - (Example 6) Provide width of either a 8, 14 or 15-meter wide section, see Policy 08A3-12.

PARALLEL TO - (Example 3) Describes a line that is **parallel to** and at a certain distance from the center line.

PERPENDICULARLY DISTANT - (Example 1) Use to tie the new right-of-way line to the center line at designated stations.

PERPETUAL EASEMENT - See Easement, also Section 10-1130.

PERSONAL REPRESENTATIVE'S DEED - A qualified person representing the estate of a deceased person. (See page 1131-5 in Section 10-1131, Right-of-Way Forms (located in separate book).

PLACED ON RECORD, SET ASIDE AND - (Example 47) Use on a :C parcel when a city is conveying to itself. Purpose is to have the new right-of-way placed on record.

POINT OF BEGINNING

(Example 3) Beginning at the intersection of two existing lines.

(Example 5) Beginning in a line with a tie from the center line.

(Example 27) Beginning at the Southwest corner of said Lot 8 (Note: Used when the property is based on a survey established by blocks and lots.)

POINTS "A" AND "B" - (Example 21) Use to control a portion of the right-of-way. The ends of the controlled lines are defined as designated Point "A" and Point "B" in the description.

PROVIDING AND RESERVING - (Example 1) To said Grantor (Owner) a temporary access opening...until terminated...

PUBLIC UTILITY ACCESS - (Example 31) For the sole purpose of ingress to or egress from highway for utility purposes, with a locked gate. See locked gate subject.

RADIALLY DISTANT - (Example 19) Use to tie the new right-of-way line to the center line at a designated station.

RECORD, BY - (Example 20) Use to clarify difference in distances between distance of record versus surveyed values.

RECORD, SET ASIDE AND PLACED ON - (Example 47) Use on a :C parcel when a city is conveying to itself. Purpose is to have the new right-of-way placed on record.

REIMBURSEMENT, CERTIFICATION FOR - When all of an entire tract of property is acquired, but only a **portion** is required for highway use, the **portion** within the highway right-of-way limits is described and a reference parcel assigned to said portion. See page 1131-183 in Section 10-1131, Right-of-Way Forms.

RELATIONSHIP CLAUSE, BEARING - (Example 13) Rotate bearings to match highway.

RELEASE OF LIABILITY CLAUSE - (Example 1) Releases UDOT from any claims from the adjoining landowner when UDOT closes temporary access openings.

RELEASE OF REVERSIONARY CLAUSE - (Example 52) Gives to the Grantee all rights and the full enjoyment to the land.

RELINQUISHMENT, CLOSE OPENINGS - (Example 17c)

RELINQUISHMENT OF ACCESS RIGHTS

(Examples 14, 17, and 51) Control the right-of-way line, provide access opening.

(Examples 17a & 17b) Control all access rights along the right-of-way line **with no** access openings.

REMAINING PROPERTY - (Example 1) Releases UDOT from claims from the adjoining landowner when UDOT closes temporary access openings.

RESERVING AN EASEMENT - (Example 46) For maintenance, repairing and replacing pipes.

RESTRICTION CLAUSE - (Example 44) Used in "Q" Deeds. Conveyance is subject to all easements, restrictions, and rights-of-way. Also, the Junkyard Clause.

REVERSIONARY CLAUSE, RELEASE OF - (Example 52) Gives to the Grantee all access rights and the full enjoyment to the land.

RIGHT OF ENTRY - (Example 15) Possession for construction.

RIGHT-OF-WAY, PERPETUAL - (Example 16) Conveying a perpetual right-of-way to a landowner adjoining the highway who had no physical access. Note the restrictions in example.

RIGHT, TITLE AND INTEREST - (Example 32) Use when an adjacent owner has a legal right-of-way across the parcel of land required for highway purposes. Acquire interest by Quit Claim Deed from party of interest. Do not use term **in fee**.

ROTATE ALL BEARINGS CLAUSE - (Example 13) Rotate bearings to match highway.

SECTION (OPENING) - Use with the control of access clause for establishing designated openings (sections) tied to highway stations with an approved width of either a 5, 10 or 15-meter wide section. See Policy 08A3-12 and Subsection 10-1139.13.

SET ASIDE AND PLACED ON RECORD - (Example 47) Use on a :C parcel when a city is conveying to itself. Purpose is to have the new right-of-way placed on record.

SEVERED PARCELS :S AND :ST- (Example 12 & 33) This is a damaged or a land-locked tract of land, that may be deemed surplus, in which UDOT will usually later sale or trade. The parcel is purchased in fee. The language **as shown on the official map** is not shown in a :S Parcel nor the words boundary line.

SIDE LINE EASEMENT

(Example 9) Shows a side line strip of land. Meaning the limits of the easement are defined by a distance value from a line that can be described. Example a strip of land _____ m (meter) wide adjoining the southeasterly... (Note: It is very important the word **portion** is used if describing a right-of-way line, a limited-access line, or a no-access line.

(Example 41) In-so-far as it lies within said entire tract.

SIGNATURES, MULTI - (Example 50) Shows 14 lines of different parties of interest.

SLOPES CUT AND FILL - (Example 26) Constructing cut and/or fill slopes (no maintenance). Note the slope protection clause.

STATE ROUTE - (Example 10) Show existing or new highways.

STATION, ENGINEER - (Example 4) Point on center line.

SUBDIVISION, LOT, BLOCK AND SURVEY - (Example 27) Shows lots, blocks, location and source of survey.

TANGENT NOTE - (Note: Tangent to said curve at its point of beginning bears N. ____ E.). This note is used when tying the tangent point somewhere on the arc of a curve, but not at the beginning of the curve. If one is traversing along a tangent to a curve it is stated this way: "to a point of curvature with a ...-meter curve to the left/right".

TEMPORARY ACCESS OPENING - (Example 1) When a future frontage road is constructed opening to be closed by public authority.

TEMPORARY EASEMENT - See Easement

TEMPORARY ROADWAY - (Example 1) Owners temporary right to construct roadway, but to be terminated by public authority.

TEMPORARY USE OF PARCEL - (Example 1) This gave permission for the adjoining landowner to construct a temporary road for access to his business, since the proposed frontage road would not be build until in the future.

TERMINATION OF TEMPORARY ACCESS OPENING AND TEMPORARY ROADWAY - (Example 1) Will be terminated and forever closed with no compensation.

TIES - (Example 19) The ties describes the monument.

TITLE AND INTEREST, RIGHT - (Example 32) Use when an adjacent landowner has a legal right-of-way across the parcel of land required for highway purposes. Acquire interest by Quit Claim Deed from party of interest. Do not use term **in fee**.

TOGETHER WITH - (Example 25) The occupied area of land within said existing 1.50-chain wide dedicated county road right of way containing ... area.

TOTAL SEVERED PARCEL :ST - (Example 12 & 33) This is a damaged or a land-locked tract of land, that may be deemed surplus, in which UDOT will usually later sale or trade. The parcel is purchased in fee. The language **as shown on the official map** is not shown in a :S Parcel nor the words boundary line.

TOTAL TAKE PARCEL OR TRACT :T - (Example 13) This is treated similar to a severed parcel, except UDOT will be purchasing all of the entire tract. Meaning the property will be taken off the tax rolls. The description must state: **being all of an entire tract of property**. Also, it states: A tract of land for...

TRUST DEED - A trust deed or a deed of trust is a security resembling a mortgage, being a conveyance of lands to trustees to secure the payment of a debt, with a power of sale upon default, (in effect, a mortgage on property executed by the mortgagor to a third person as trustee to hold as security for the mortgage debt) see Black Law Dictionary.

TRUSTEE'S DEED - (Examples 39 & 45) Instrument for trustee(s) to convey and warrant to UDOT all their interest.

UNDERLYING FEE - (Example 5) The word **fee** is used in all deeds to acquire title, fee simple or underlying fee to a tract of property. See Example 44 abutter's right clause.

UNDIVIDED INTEREST - (Example 39) There are different ways to state the interest that the landowners may have. To make sure the interest is not left off the deed is to indicate the interest in the description as shown in the example.

USA-BOR CANALS - (Examples 22 & 22a) Format for agreement descriptions of right-of-way crossing canals. Usually no conveyance of fee simple. An :X, :AX and :EX are used on the parcel numbering system.

UTILITY, PUBLIC ACCESS - (Example 31) For the sole purpose of ingress to or egress from highway for utility purposes, with a locked gate. See locked gate subject.

WATER RIGHTS - Do not include water rights clause in UDOT deeds acquiring land for highway purposes. If water rights are acquired it is by an agreement or by a separate Quit Claim Deed.

WEBER BASIN WATER CONSERVANCY DISTRICT - (Example 36) This is a special three page instrument created to comply with the water district format with resolution, certificate and signature.

WET LANDS WITH COVENANT - (Example 46) Show a covenant running with the land...

WHICH EQUALS - (Example 35) Shows the relationship between the property bearing and the highway bearing.

WIDENING AND GRADING - (Example 35) For the purpose of constructing thereon cut and/or fill slopes.

WIDENING OF HIGHWAY - (Example 4) A parcel of land for the widening of the existing highway State Route 165

10-1132-03

EXAMPLES

Find example number in each box located in the upper right hand corner on the examples. The topics for the different examples are underlined.

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right-of-Way, Fourth Floor,
4501 South 2700 West,
Salt Lake City, Utah 84119-5998

EXAMPLE 1

Warranty Deed

(CORPORATION)
(CONTROLLED ACCESS)
Davis County

Parcel No. 030:47:2A
Project No. F-030(9)

a corporation of the State of _____, Grantor,
hereby CONVEYS AND WARRANTS to the UTAH DEPARTMENT OF TRANSPORTATION, at
4501 South 2700 West, Salt Lake City, Utah 84119, Grantee, for the sum
of _____ Dollars,
and other good and valuable considerations, the following described parcel of land
in Davis County, State of Utah, to-wit:

A parcel of land in fee for a future frontage road incident to and for the
widening of an existing expressway State Route 89 known as Project No. 030, being
part of an entire tract of property, situate in the NW¼SW¼ of Section 36, T. 5 N.,
R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning in a northerly boundary line of said entire tract at a point
115.00 ft. perpendicularly distant westerly from the center line known as the "M"
Line of said project, which point is 692.50 ft. east, 479.28 ft. S. 4°12' W. and
approximately 48.89 ft. N. 85°48' W. from the Northwest corner of the Southwest
Quarter of said Section 36; and running thence S. 4°00'00" W. 240.60 ft., more or
less, along a line parallel to said "M" Line, to the southerly boundary line of said
entire tract; thence N. 87°57'40" W. 85.05 ft. along said southerly boundary line
to a point 200.00 ft. perpendicularly distant westerly from said "M" Line; thence
N. 4°00'00" E. 243.47 ft., more or less, along a line parallel to said "M" Line to
said northerly boundary line; thence S. 85°59'59" E. 85.00 ft. to the point of
beginning as shown on the official map of said project on file in the office of the
Utah Department of Transportation. The above described parcel of land contains
20573 square feet in area or 0.472 acre, more or less, of which 0.007 are, more or
less, is now occupied by the existing frontage road right of way. Balance 20273
square feet in area or 0.465 acre, more or less.

(Note: Rotate all bearings in the above description 0°21'04" clockwise to
match highway bearings based upon the Utah State Plane Coordinate System modified.)

Continued on Page 2

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

PAGE 2

Parcel No. 030:47:2A
Project No. F-030(9)RESTRICTIONS AND COVENANTS

To enable the Utah Department of Transportation to construct and maintain a public highway as an expressway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, said highway to consist of inner through traffic lanes and adjacent frontage road, the Grantor (Owner) of said entire tract of property hereby releases and relinquishes to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Grantor (Owner) by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Grantor's (Owner's) remaining property contiguous to the lands conveyed, to or from said inner lanes; PROVIDED, however, that such remaining property of said Grantor (Owner) shall abut upon and have access to said frontage road which will be connected with said inner through traffic lanes only at such interchange points as may be established by public authority; ALSO, PROVIDING AND RESERVING to said Grantor (Owner) a TEMPORARY ACCESS OPENING with the right of access to the nearest roadway of said highway over and across the westerly right of way and limited-access line for one 50-foot section, which said section centers at a point directly opposite Highway Engineer Station 431+25.00 to be used until terminated by said public authority.

ALSO PROVIDING AND RESERVING to said Grantor (Owner) the right to construct a temporary roadway over and across the above described parcel of land to be used by said Grantor (Owner) and the public until terminated by highway authority.

TERMINATION OF TEMPORARY ACCESS OPENING AND TEMPORARY ROADWAY. It is the future plan of the Utah Department of Transportation to extend the widening of said existing expressway State Route 89 and to construct a frontage road over and across the above described parcel of land. After said frontage road is constructed, which will provide access to said Grantor's (Owner's) remaining property, then at such time, said TEMPORARY ACCESS OPENING at said Station 431+25.00 will be terminated and forever closed with no compensation; ALSO, the 60-foot wide public access opening over and across said westerly right of way and limited-access line between Engineer Stations 425+21.83 and 425+81.83 which provides access to Deer Run Drive will be forever closed with no compensation.

DAMAGES TO SAID REMAINING PROPERTY. It is understood, and the Grantor (Owner) recognizes that the future access to said remaining property will be provided by the future frontage road, which will be linked to future interchanges; and that the Grantor (Owner) has no claim against the Utah Department of Transportation for closing said openings and for the obliteration of said temporary roadway; and that said Grantor (Owner) has released and relinquished all rights of access to or from said highway; and that these restrictions and conditions are as A COVENANT RUNNING WITH THE LAND.

Continued on Page 3

Openings are 8, 14, or 15 meters wide in metric values

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

PAGE 3

Parcel No. 030:47:2A

Project No. F-030(9)

TEMPORARY USE OF PARCEL NO. 030:46B:ST. The Utah Department of Transportation hereby gives permission to the Grantor (Owner) to use the parcel of land that is being acquired from said Grantor (Owner) identified as Parcel No. 030:46B:ST and adjoins the south boundary line of the above described parcel of land; The temporary use of said land is restricted for roadway use only to the benefit of the Grantor (Owner) and the public until at such time the Utah Department of Transportation constructs the future frontage road. All of the RESTRICTIONS AND COVENANTS defined above apply also to the temporary use of said Parcel No. 030:46B:ST.

IN WITNESS WHEREOF, said _____
has caused this instrument to be executed by its proper officers thereunto duly
authorized, this _____ day of _____, A.D. 19__.

STATE OF _____)
) ss.
COUNTY OF _____) By _____

On the date first above written personally appeared before me,
_____, who, being by me duly sworn,
says that he is the _____ of
_____, a corporation, and that the within
and foregoing instrument was signed in behalf of said corporation by authority
of _____, and said _____
acknowledged to me that said corporation executed the same.

WITNESS my hand and official stamp the
date in this certificate first above written:

Notary Public

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right-of-Way, Fourth Floor,
4501 South 2700 West,
Salt Lake City, Utah 84119-5998

EXAMPLE 2

Parcel No. 15-7:44B:EX
Project No. I-15-7(19)315

Agreement

This Agreement, made and entered into this _____ day of _____, 19____, by and between the UTAH DEPARTMENT OF TRANSPORTATION, hereinafter called "UDOT", first party, and the United States of America, by its agent, the Department of the Interior, Bureau of Reclamation, hereinafter called "The Bureau", second party.

WITNESSETH:

WHEREAS, the "UDOT" is constructing an Interstate Highway known as Project No. 15-7 to be a Controlled Access Freeway, a portion of which highway and appurtenant parts thereof necessitates the overpassing of property controlled by "The Bureau" for a wasteway from the Davis Aqueduct, situated in Davis County, Utah,

WHEREAS, a plan for said Interstate Highway has been prepared by said "UDOT" showing that portion of said Highway and appurtenant parts thereof as it effects said wasteway,

NOW THEREFORE, it is agreed:

That "The Bureau" agrees and consents to the perpetual right for said "UDOT", to construct and maintain a highway crossing over said wasteway. The land occupied by said crossing being described as follows:

A parcel of land for a freeway and a frontage road known as F-1 Line incident to the construction of said freeway known as Project No. 15-7, being part of an entire tract of property, in Lot 1 of Section 31, T. 3 N., R. 1 E., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Said parcel of land is contained with two side lines parallel to and at distances of 45.0 ft. southerly and 30.0 ft. northerly from the center line of a wasteway from the Davis Aqueduct recorded as Entry No. 152483 in Book 97 on Page 257 in the office of the Davis County Recorder, Utah. Said center line is described as follows:

Beginning at the intersection of the easterly limited-access line of existing U.S. Highway 89 approximately opposite frontage road F-1 Line Engineer Station 175+71 and said center line at wasteway center line Station 38+52.7, said point of beginning is 359.6 ft. S. 86°09' W. from the North Quarter corner of said Section 31; thence S. 89°55' E. 160.0 ft. to a point 80.0 ft. perpendicularly distant easterly from the center line of said frontage road at wasteway center line Station 36+92.7. The above described parcel of land contains 0.28 acres, more or less.

After said highway and appurtenant parts thereof are constructed on the above described part of an entire tract at the expense of said UTAH DEPARTMENT OF TRANSPORTATION, said UTAH DEPARTMENT OF TRANSPORTATION is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said wasteway and appurtenant parts thereof.

Continued on Page 2

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

PAGE 2

Parcel No. 15-7:44B:EX
Project No. I-15-7(19)315

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officers thereunto duly authorized, the day and year first written above.

BUREAU OF RECLAMATION

UTAH DEPARTMENT OF TRANSPORTATION

By _____
Commissioner

By _____

ATTEST _____

ATTEST _____
Secretary

Title _____

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 3

DESCRIPTION OF RIGHT-OF-WAY ACROSS FOREST
LAND IN CACHE NATIONAL FOREST REQUIRED
FOR A LIMITED-ACCESS EXPRESSWAY, PROJECT
NO. 0091, IN CACHE COUNTY, UTAH

Bet.Stas. 220+22 & 295+00
Both sides of highway

Parcel No. 0091:7:5A
Project No. NH-0091(1)10

A parcel of land describing the right of way of the existing expressway State Route 91 known as Project No. FAP-33 acquired by a special use permit, also required now for the widening of said existing expressway known as Project No. 0091, situate in the N~~W~~SW~~W~~ and the SE~~W~~ of Section 16, the S~~W~~NE~~W~~ and the NE~~W~~SE~~W~~ of Section 17, all in T. 10 N., R. 1 W., S.L.B. & M., in Cache County, Utah. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the west line of said Section 16 and the northerly line of the old county road used prior to the present alignment of said existing expressway constructed in 1946, which point is approximately 187 ft. south along the west line of said Section 16 from the West Quarter corner of said Section 16 as monumented by a 3" B.L.M. Brass Cap; and running thence along said northerly line the following seventeen (17) courses and distances: (1) S. 77°28'16" E. 379.55 ft.; thence (2) N. 87°05'21" E. 295.38 ft.; thence (3) S. 61°42'42" E. 421.98 ft.; thence (4) S. 82°40'23" E. 312.00 ft.; thence (5) N. 86°09'39" E. 698.53 ft.; thence (6) S. 80°15'10" E. 165.39 ft.; thence (7) N. 85°00'49" E. 149.57 ft.; thence (8) S. 60°35'40" E. 586.57 ft.; thence (9) S. 53°19'53" E. 341.60 ft.; thence (10) S. 61°29'20" E. 276.54 ft.; thence (11) S. 49°43'25" E. 420.74 ft.; thence (12) S. 65°08'11" E. 361.51 ft.; thence (13) N. 89°00'03" E. 172.03 ft.; thence (14) S. 80°46'12" E. 324.20 ft.; thence (15) N. 79°49'48" E. 266.18 ft.; thence (16) N. 84°02'08" E. 336.82 ft.; thence (17) N. 60°22'45" E. 175.59 ft., more or less, to the east line of said Section 16 at a point 1397.08 ft. N. 0°02'40" W. along said east line from the Southeast corner of said Section 16; thence N. 0°02'40" W. 37.02 ft., more or less, along said east line to a point 125.00 ft. radially distant northerly from the center line of said existing expressway; thence Westerly 1642.80 ft. along the arc of a 1785.08-foot radius curve to the right concentric with said center line (Note: Chord to said curve bears N. 81°43'15" W. for a distance of 1585.44 ft.); thence N. 53°08'33" W. 212.77 ft.; thence N. 52°03'43" W. 39.90 ft. parallel to said center line; thence N. 53°36'36" W. 143.13 ft.; thence Westerly 1451.69 ft. along the arc of a 2989.93-foot radius curve to the left concentric with said center line (Note: Chord to said curve bears N. 67°22'23" W. for a distance of 1437.54 ft.); thence N. 82°12'20" W. 143.13 ft.; thence N. 82°40'23" W. 1938.82 ft. along a line parallel to and 125.00 ft. perpendicularly distant northerly from said center line to said west line of Section 16; thence N. 82°40'23" W. 844.21 ft. continuing parallel to and 125.00 ft. perpendicularly distant northerly from said center line; thence N. 83°47'23" W. 227.17 ft.; thence Westerly 837.87 ft. along the arc of a 2035.08-foot radius curve to the left concentric with said center line, to the south line of the SW~~W~~NE~~W~~ of said Section 17 (Note: Chord to said curve bears S. 82°13'57" W. for a distance of 831.96 ft.); thence N. 88°30'44" E. 565.36 ft., more or less, along said south line to the Southeast corner of said SW~~W~~NE~~W~~; thence South 151.00 ft., more or less, along the west line of said NE~~W~~SE~~W~~ to a point 125.00 ft. radially distant southerly from said

Continued on Page 2

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

PAGE 2

center line; thence Easterly 241.78 ft. along the arc of a 1785.08-foot radius curve to the right concentric with said center line (Note: Chord to said curve bears S. 89°51'11" E. for a distance of 241.60 ft.); thence S. 83°45'13" E. 212.77 ft.; thence S. 82°40'23" E. 879.01 ft., more or less, along a line parallel to and 125.00 ft. perpendicularly distant southerly from said center line to said west line of Section 16; thence N. 0°22'22" W. 134.08 ft. along said west line to the point of beginning. The above described parcel of land contains 27.71 acres, more or less, all of which is now occupied by the existing highway.

The above described parcel of land is for a limited-access expressway and is granted without access to or from the remaining properties contiguous to the lands hereby conveyed.

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

Prepared by R.L.W. 6/30/92
Checked by R.H.J. 6/30/92
Reviewed by B.C.B. 6/30/92

Typed by dgf 6/30/92
Proofread by BCB & RLW 7/01/92

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 4

DESCRIPTION OF RIGHT-OF-WAY ACROSS FOREST
LAND IN CACHE NATIONAL FOREST REQUIRED
FOR A LIMITED-ACCESS EXPRESSWAY, PROJECT
NO. 0091, IN CACHE COUNTY, UTAH

Bet.Stas. 2220+35 & 2225+71
Southerly side of highway

Parcel No. 0091:7:A
Project No. NH-0091(1)10

A parcel of land for the widening of an existing expressway State Route 91 known as Project No. 0091, situate in the NE1/4SE1/4 of Section 17, T. 10 N., R. 1 W., S.L.B. & M., in Cache County, Utah. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the west line of said NE1/4SE1/4 and the southerly right of way and limited-access line of said existing expressway, which point is 1323.12 ft. west and 152.78 ft. south from the East Quarter corner of said Section 17; and running thence along said southerly right of way and limited-access line the following three (3) courses and distances: Easterly 241.78 ft. along the arc of a 1785.08-foot radius curve to the right (Note: Chord to said curve bears S. 89°51'11" E. for a distance of 241.60 ft.) to a point of curvature with a 220.00-foot ten chord spiral for a 3°00'00" curve to the right; thence Easterly 212.79 ft. along the arc of said spiral; thence S. 82°40'23" E. 57.90 ft. along a line parallel to said center line to a point 112.88 ft. perpendicularly distant southerly from said center line at Engineer Station 2225+71.51; thence S. 87°46'41" W. 435.13 ft.; thence Westerly 75.96 ft. along the arc of a 1769.86-foot radius curve to the left to said west line (Note: Chord to said curve bears S. 85°34'32" W. for a distance of 75.96 ft.); thence North 53.88 ft. along said west line to the point of beginning. The above described parcel of land contains 17,480 square feet in area or 0.40 acre, more or less.

Prepared by G.L.B. 12/16/91
Checked by E.R. 4/28/92
Reviewed by B.C.B. 5/13/92

Typed by dgf 5/13/92
Proofread by BCB & RHJ 5/14/92

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 5

Warranty Deed
(CONTROLLED ACCESS)

Bet.Stas. 2089+00 & 2109+50

(PARTNERSHIP)

Parcel No. 0091:5:A

Southwesterly side of highway

Cache County

Project No. NH-0091(1)10

Walker-Neves 4 Ranch Partnership, Grantors,

A parcel of land in fee for the widening of the existing expressway State Route 91 known as Project No. 0091, being part of an entire tract of property, situate in the NE1/4SE1/4 and the S1/2NE1/4 of Section 29, T. 10 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning in the southwesterly right of way and limited-access line of said existing expressway at a point 121.84 ft. perpendicularly distant southwesterly from the center line of said project at Engineer Station 2089+00.00, said point of beginning is approximately 1434.19 ft. north and 510.12 ft. west from the Southeast corner of said Section 29; and running thence N. 25°57'34" W. 1219.54 ft. along said southwesterly right of way and limited-access line to a point of tangency with an 11,584.19-foot radius curve to the right; thence Northwesterly 1095.38 ft. along said southwesterly right of way and limited-access line, along the arc of said curve (Note: Chord to said curve bears N. 23°15'02" W. for a distance of 1094.97 ft.) to a point 144.01 ft. radially distant southwesterly from said center line at Engineer Station 2112+00.00; thence S. 7°15'21" E. 208.07 ft. to a point 190.00 ft. radially distant southwesterly from said center line at Engineer Station 2110+00.00; thence Southeasterly 609.95 ft. along the arc of an 11,649.16-foot radius curve to the left (Note: Chord to said curve bears S. 22°02'14" E. for a distance of 609.88 ft.); thence S. 29°29'20" E. 480.78 ft.; thence S. 25°53'53" E. 627.84 ft. along a line parallel to said center line, to a point 150.00 ft. perpendicularly distant southwesterly from said center line at Engineer Station 2093+00.00; thence S. 29°55'30" E. 400.99 ft. to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 1.87 acres, more or less.

(Note: All bearings in the above description are based upon the Utah State Plane Coordinate System modified.)

To enable the Utah Department of Transportation to construct and maintain a public highway as an expressway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway; **EXCEPTING** and reserving to said Owners, their successors or assigns, the right of access to the nearest roadway of said highway over and across the southwesterly right of way line for One 16-foot section, which section centers at a point directly opposite Highway Engineer Station 2093+08.00.

Prepared by G.L.B. (Valley Eng) 2/16/92

Typed by dgf 4/07/92

Checked by E.R. 4/22/92

Proofread by BCB & RHJ 5/01/92

Reviewed by B.C.B. 4/22/92

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 6

Warranty Deed
(CONTROLLED ACCESS)Bet.Stas. 2115+75 & 2120+45
Southwesterly side of highway(CORPORATION)
Cache CountyParcel No. 0091:6:A
Project No. NH-0091(1)10

Sardine Canyon Development Inc., Grantors,

A parcel of land in fee for the widening of the existing expressway State Route 91 known as Project No. 0091, being part of an entire tract of property, situate in the S1/4NE1/4 of Section 29, in the W1/2W1/2 and the E1/2NW1/4 of Section 20, in the E1/2SW1/4 and the NW1/4SE1/4 of Section 17, all in T. 10 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning in the north line of said Section 20 at a point 130.00 ft. perpendicularly distant easterly from the center line of said project, which point is 146.87 ft. S. 88°50'20" W. from the North Quarter corner of said Section 20; and running thence S. 12°38'54" E. 753.68 ft., more or less, along a line parallel to said center line, to a point opposite Engineer Station 2177+00.00; thence S. 29°20'51" E. 208.81 ft. to a point 190.00 ft. perpendicularly distant easterly from said center line at Engineer Station 2175+00.00; thence S. 12°38'54" E. 2000.00 ft. along a line parallel to said center line; thence S. 8°12'03" E. 902.72 ft.; thence S. 12°38'54" E. 1611.38 ft., more or less, along a line parallel to said center line, to the south line of said Section 20 at a point 977.10 ft. N. 88°49'20" E. from the South Quarter corner of said Section 29; thence S. 12°38'54" E. 410.86 ft., more or less, along a line parallel to said center line, to a point of tangency with an 11,339.156-foot radius curve to the left at a point 120.00 ft. perpendicularly distant easterly from said center line at Engineer Station 2125+77.76; thence Southerly 868.53 ft. along the arc of said curve (Note: Chord to said curve bears S. 14°50'34" E. for a distance of 868.32 ft.); thence S. 70°01'20" E. 163.13 ft. to a point 250.00 ft. radially distant easterly from said center line at Engineer Station 2116+00.00; thence Southerly 25.70 ft. along the arc of an 11,209.35-foot radius curve to the left, to the south line of said S1/2NE1/4 of Section 29 (Note: Chord to said curve bears S. 17°57'09" E. for a distance of 25.70 ft.); thence West (N. 90°00' W. highway bearing) 158.99 ft. along said south line to the easterly right of way and limited-access line of the existing expressway; thence along said easterly right of way and limited-access line the following six (6) courses and distances: Northerly 1145.37 ft. along the arc of an 11,334.19-foot radius curve to the right (Note: Chord to said curve bears N. 15°33'16" W. for a distance of 1144.83 ft.); thence N. 12°39'34" W. 222.04 ft., more or less, to the north line of said Section 29 at a point 936.25 ft. N. 88°49'20" E. from the North Quarter corner of said Section 29; thence N. 12°39'34" E. 5467.34 ft., more or less, to the north line of said Section 20 at a point 199.07 ft. S. 88°50'20" W. from said North Quarter corner of Section 20; thence N. 12°39'34" W. 277.62 ft.; thence N. 11°34'43" W. 212.77 ft.; thence Northeasterly 2979.20 ft. along the arc of an 1785.08-foot radius curve to the right, to the east line of said NW1/4SE1/4 of Section 17 (Note: Chord to said curve bears N. 38°27'12" E. for a distance of 2645.29 ft.); thence South 53.88 ft. along said east line to a point 140.00 ft. radially distant southerly from said center line; thence Westerly 1131.97 ft. along the arc of said curve concentric with said

Continued on Page 2

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

PAGE 2

Parcel No. 0091:6:A
Project No. NH-0091(1)10

center line to a point opposite Engineer Station 2209+00.00 (Note: Chord to said curve bears S. 67°15'11" W. for a distance of 1140.41 ft.); thence S. 39°50'24" E. 310.00 ft.; thence S. 4°53'56" E. 124.26 ft.; thence S. 45°39'35" W. 71.19 ft.; thence S. 80°02'36" W. 190.97 ft.; thence N. 70°43'42" W. 282.78 ft. to a point 160.00 ft. radially distant southeasterly from said center line at Engineer Station 2204+00.00; thence Southerly 1253.26 ft. along the arc of a 1749.86-foot radius curve to the left (Note: Chord to said curve bears S. 14°37'51" W. for a distance of 1227.30 ft.); thence S. 6°28'43" E. 433.08 ft. to a point 130.00 ft. perpendicularly distant easterly from said center line at Engineer Station 2185+81.39; thence S. 12°38'54" E. 127.71 ft. along a line parallel to said center line, to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 20.06 acres, more or less.

(Note: All bearings in the above description are based upon the Utah State Plane Coordinate System modified.)

To enable the Utah Department of Transportation to construct and maintain a public highway as an expressway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway; **EXCEPTING** and reserving to said Owners, their successors or assigns, the right of access to the nearest roadway of said highway over and across the easterly right of way line for Three 16-foot sections, which said sections center at points directly opposite Highway Engineer Stations 2118+31.00, 2178+25.00, and 2209+24.00, and over and across the easterly right of way line for Two 30-foot sections, which said section center at points directly opposite Highway Engineer Stations 2135+55.00 and 2190+58.00.

Prepared by G.L.B. (Valley Eng) 2/15/92
Checked by E.R. 4/10/92
Reviewed by B.C.B. 4/25/92

Typed by dgf 4/29/92
Proofread by BCB & RHJ 5/01/92

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

Openings are 8, 14, or 15 meters wide in metric values

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 7

	Easement (CORPORATION)	
Bet.Stas. 2129+55 & 2141+50		Parcel No. 0091:6:E
Westerly side of highway	Cache County	Project No. NH-0091(1)10

Sardine Canyon Development Inc., Grantors,

a perpetual easement, upon part of an entire tract of property, in the SW1/4SE1/4 of Section 20 and in the NW1/4NE1/4 of Section 29, all in T. 10 N., R. 1 W., S.L.B. & M., in Cache County, Utah, for the purpose of constructing and maintaining thereon a deer control fence and appurtenant parts thereof, incident to the widening of the existing expressway State Route 91 known as Project No. 0091.

The boundaries of said part of an entire tract are described as follows:

Beginning in the westerly right of way line and limited-access line of said existing expressway at a point 170.03 ft. perpendicularly distant westerly from the center line of said project at Engineer Station 2129+55.00, said point of beginning is 680.41 ft. east along the north line of said Section 29 and 95.94 ft. S. 12°39'34" E. from the North Quarter corner of said Section 29; and running thence N. 12°39'34" W. 1195 ft. along said westerly right of way and limited-access line to a point opposite Engineer Station 2141+50.00; thence S. 77°20'26" W. 10.00 ft.; thence S. 12°39'34" E. 1195.00 ft. along a line parallel to said westerly right of way and limited-access line; thence N. 77°20'26" E. 10.00 ft. to the point of beginning. The above described part of an entire tract contains 11,950 square feet in area or 0.27 acre, more or less.

(Note: All bearings in the above description are based upon the Utah State Plane Coordinate System modified.)

Prepared by G.L.B. (Valley Eng) 2/17/92
Checked by E.R. 4/10/92
Reviewed by B.C.B. 4/25/92

Typed by dgf 5/01/92
Proofread by BCB & RHJ 5/01/92

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 8

Easement
(CORPORATION)

Bet.Stas. 2134+66 & 2136+66
Westerly side of highway

Cache County

Parcel No. 0091:6:2E
Project No. NH-0091(1)10

Sardine Canyon Development Inc., Grantor,

a temporary easement, upon part of an entire tract of property, in the SW1/4SE1/4 of Section 20, T. 10 N., R. 1 W., S.L.B. & M., in Cache County, Utah, for the purpose of constructing thereon an approach road and appurtenant parts thereof incident to the widening of the existing expressway State Route 91 known as Project No. 0091.

The boundaries of said part of an entire tract are described as follows:

Beginning at a point 670.18 ft. east along the south line of said Section 20 and 413.40 ft. N. 12°39'34" W. from the South Quarter corner of said Section 20; and running thence N. 12°39'34" W. 200.00 ft.; thence S. 77°20'26" W. 150.00 ft.; thence S. 12°39'34" E. 200.00 ft.; thence N. 77°20'26" E. 150.00 ft. to the point of beginning. The above described part of an entire tract contains 30,000 square feet in area or 0.69 acre.

(Note: All bearings in the above description are based upon the Utah State Plane Coordinate System modified.)

This easement shall expire upon the completion of the construction of said project or 3 years after the date of the execution of the within instrument, whichever first occurs.

After said approach road is constructed on the above described part of an entire tract at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said approach road and appurtenant parts thereof.

Prepared by G.L.B. (Valley Eng) 2/17/92
Checked by E.R. 4/10/92
Reviewed by B.C.B. 4/25/92

Typed by dgf 5/01/92
Proofread by BCB & RHJ 5/01/92

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 9

Easement
(CORPORATION)

Bet.Stas. 2202+50 & 2203+50
Southeasterly side of highway

Cache County

Parcel No. 0091:6:3E
Project No. NH-0091(1)10

Sardine Canyon Development Inc., Grantor,

a temporary easement, upon part of an entire tract of property, in the NW1/4SE1/4 of Section 17, T. 10 N., R. 1 W., S.L.B. & M., in Cache County, Utah, for the purpose of constructing thereon a drainage facility and appurtenant parts thereof incident to the widening of the existing expressway State Route 91 known as Project No. 0091.

Said part of an entire tract is a strip of land 50.00 ft. wide, adjoining southeasterly the following described portion of the southeasterly right of way and limited-access line:

Beginning at a point 160.00 ft. perpendicularly distant southeasterly from the center line of said project at Engineer Station 2202+50.00, said point of beginning is approximately 1623.10 ft. north and 11.68 ft. east from the South Quarter corner of said Section 17; thence Northeasterly 91.76 ft. along said southeasterly right of way and limited-access line, along the arc of a 1749.856-foot radius curve to the right (Note: Chord to said curve bears N. 32°09'36" E. for a distance of 91.61 ft.) to a point opposite Engineer Station 2203+50.00. The above described part of an entire tract contains 4524 square feet in area or 0.10 acre, more or less.

(Note: All bearings in the above description are based upon the Utah State Plane Coordinate System modified.)

This easement shall expire upon the completion of the construction of said project or 3 years after the date of the execution of the within instrument, whichever first occurs.

After said drainage facility is constructed on the above described part of an entire tract at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said drainage facility and appurtenant parts thereof.

Prepared by G.L.B. (Valley Eng) 2/17/92
Checked by E.R. 4/10/92
Reviewed by B.C.B. 4/25/92

Typed by dgf 5/01/92
Proofread by BCB & RHJ 5/01/92

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right-of-Way, Fourth Floor,
4501 South 2700 West,
Salt Lake City, Utah 84119-5998

EXAMPLE 10

Warranty Deed

(TRUSTEE)
(CONTROLLED ACCESS)
Box Elder County

Parcel No. 0091:27:A
Project No. NH-0091(2)4

_____, Grantor_,
of _____, County of _____, State of _____,
hereby CONVEYS AND WARRANTS to the UTAH DEPARTMENT OF TRANSPORTATION, at
4501 South 2700 West, Salt Lake City, Utah 84119, Grantee, for the sum
of _____ Dollars,
and other good and valuable considerations, the following described parcel of land
in Box Elder County, State of Utah, to-wit:

An undivided 1/2 interest in a parcel of land in fee for the widening of the
existing expressway State Route 91 known as Project No. 0091, being part of an
entire tract of property, situate in the SW~~1~~⁴ of Section 22, T. 9 N., R. 1 W.,
S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the south boundary line of said entire tract
and the easterly right of way and limited-access line of said existing expressway
at the Southwest corner of said entire tract, which point is 678 ft. west along the
south line of Lot 20 of Block 11, plat "A", Mantua Survey, a subdivision in the
SE~~1~~⁴ of said Section 22 from the Southeast corner of said Lot 20, said point of
beginning also being approximately 649 ft. N. 0°20'13" E. along the west line of
said Section 22 and 1221 ft. east from the West Quarter corner of said Section 22;
and running thence N. 3°01'27" E. 270.23 ft., more or less, along said easterly
right of way and limited-access line to the northerly boundary line of said entire
tract; thence S. 87°57'38" E. 24.96 ft., more or less, to a point 115.00 ft.
perpendicularly distant easterly from the center line of said project; thence
S. 2°57'25" W. 199.60 ft., more or less, along a line parallel to said center line,
to a point opposite Engineer Station 1809+45.00; thence S. 22°32'34" W. 75.40 ft.,
more or less, to the point of beginning as shown on the official map of said project
on file in the office of the Utah Department of Transportation. The above described
parcel of land contains 5894 square feet in area or 0.135 acre, more or less.

(Note: All bearings in the above description are based upon the Utah State
Plane Coordinate System modified. Rotate all bearings 0°20'13" counterclockwise to
match property.)

Continued on Page 2

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

PAGE 2

Parcel No. 0091:27:A
Project No. NH-0091(2)4

To enable the Utah Department of Transportation to construct and maintain a public highway as an expressway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owners' remaining property contiguous to the lands conveyed, to or from said highway.

WITNESS, the hand_ of said Grantor_, this _____ day
of _____, A.D. 19__.

Signed in the presence of:

STATE OF

)

) SS.

COUNTY OF

)

On the date first above written personally appeared before me,

who, being by me duly sworn, acknowledged to me that he signed the within and foregoing instrument in accordance with the authority as Trustee_ given under the instrument creating said Trust, and that as Trustee_ he executed the same.

Notary Public

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 11

Warranty Deed
(LIMITED PARTNERSHIP)

Bet.Stas. 416+23 & 421+44
Easterly side of highway

Davis County

Parcel No. 030:51:ST
Project No. F-030(9)

Randall's Investment Company, Ltd., a Limited Partnership, Grantor

A tract of land in fee, being all of an entire tract of property, situate in the SW1/4SW1/4 of Section 36, T. 5 N., R. 1 W., S.L.B. & M. The boundaries of said tract of land are described as follows:

Beginning in the easterly right of way and limited-access line of the existing expressway State Route 89 at a point 730 ft. east from the Northwest corner of said SW1/4SW1/4; and running thence East 177.7 ft.; thence S. 4°12' W. 540.1 ft.; thence West 125.81 ft., more or less, to the easterly right of way line of the existing frontage road of record; thence N. 4° E. 22.60 ft.; thence N. 86° W. 50.15 ft. to said easterly right of way and limited-access line; thence N. 4° E. 514.03 ft. along said easterly right of way and limited-access line to the point of beginning. The above described tract of land contains 2.161 acres, more or less, of which 0.065 acre, more or less, is now occupied by the existing 8100 South Street. Balance 2.096 acres, more or less.

(Note: Rotate all bearings in the above description 0°21'04" clockwise to match highway bearings based upon the Utah State Plane Coordinate System modified.)

The Grantors agree to defend, indemnify and hold harmless the Utah Department of Transportation ("UDOT"), the State of Utah ("STATE"), and any and all employees, agents, contractors and officials of said "UDOT" and/or said "STATE" against any and all damages, claims, liabilities, losses, penalties, fines or expenses, including attorney's fees and litigation costs; all related to the presence, disposal, release or clean-up of any contaminants, hazardous materials or pollutants located on, over, under, from or affecting the property described in the within instrument. The indemnity set forth herein shall apply to all conditions existing on or before the date title to said property is transferred by the within instrument.

Prepared by M.W.B. (Versar A&E) 2/09/93
Checked by R.H.J. 2/09/93
Reviewed by B.C.B. 2/09/93

Typed by dgf 2/09/93
Proofread by BCB & RHJ 2/09/93

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 12

Warranty Deed

Bet.Stas. 2042+16 & 2049+10
Northeasterly side of highway

Cache County

Parcel No. 0091:3:S
Project No. NH-0091(1)10

Selma B. Jeppesen, an undivided 1/2 interest, Grantor,

An undivided 1/2 interest in a tract of land in fee, being part of an entire tract of property, situate in the SE1/4NW1/4 of Section 33, T. 10 N., R. 1 W., S.L.B. & M. The boundaries of said tract of land are described as follows:

Beginning in the northeasterly right of way and limited-access line of the expressway State Route 91 known as Project No. 0091 at a point 1594.6 ft. S. 26°17' E., 457.8 ft. east, 483.02 ft. S. 25°57'34" E. and 212.92 ft. S. 34°50'31" E. from the Northwest corner of said Section 33; and running thence S. 34°50'31" E. 675.29 ft., more or less, along said northeasterly right of way line and limited-access line to the westerly right of way line of the former county road; thence Northerly 329.33 ft. along said westerly right of way line, along the arc of a 542-foot radius curve to the left (Note: Chord to said curve bears N.4°59'44" E. for a distance of 423.29 ft.); thence N. 12°25'15" W. 399.92 ft. continuing along said westerly right of way line; thence S. 64°06'07" W. 365.06 ft. to the point of beginning. The above described tract of land contains 3.36 acres, more or less.

Prepared by E.R. 7/29/92
Checked by R.H.J. 7/29/92
Reviewed by B.C.B. 7/30/92

Typed by dgf 7/30/92
Proofread by BCB & RHJ 7/30/92

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 13

Warranty Deed

Bet.Stas. 430+40 & 432+18

Northeasterly side of highway

Cache County

Parcel No. 030:52:T

Project No. F-030(9)

Randy L. Borgstrom and Lou Ann Borgstrom, Grantors,

A tract of land in fee, being all of an entire tract of property, situate in the NW1/4SW1/4 of Section 36, T. 5 N., R. 1 W., S.L.B. & M. The boundaries of said tract of land are described as follows:

Beginning at a point 965.5 ft. S. 89°57'59" E. along the Quarter-Section line and 248.00 ft. S. 0°02'01" W. from the West Quarter corner of said Section 36; and running thence S. 0°02'01" W. 177.78 ft.; thence N. 89°57'59" W. 154.00 ft., more or less, parallel to said Quarter-Section line, to the easterly limited-access line of the existing expressway; thence Northerly 178.00 ft., more or less, along said easterly limited-access line to a point 248.00 ft. south from said Quarter-Section line; thence S. 89°57'59" E. 154.00 ft., more or less, along a line parallel to said Quarter-Section line, to the point of beginning. The above described tract of land contains 26,610 square feet in area or 0.611 acre, more or less.

(Note: Rotate all bearings in the above description 0°21'04" clockwise to match highway bearings based upon the Utah State Plane Coordinate System modified.)

Prepared by M.W.B. (Versar A&E) 9/21/92

Checked by R.H.J. 9/28/92

Reviewed by B.C.B. 9/28/92

Typed by dgf 9/28/92

Proofread by BCB & RHJ 9/29/92

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 14

Relinquishment of Access Rights
In Juab CountyBet.Stas. 11+64.26 & 12+75.00
Northerly side of highway SR-132Parcel No. 15-5:3:A
Project No. IR-15-5(23)224

Clarence Bowles and Jean H. Bowles, Grantors,
of _____, County of _____, State of _____,
being the owners of an entire tract of real property, situate in the NW1/4SW1/4 of
Section 3, T. 13 S., R. 1 E., S.L.B. & M. in Juab County, State of Utah,
hereby RELEASE AND RELINQUISH to the UTAH DEPARTMENT OF TRANSPORTATION,
at 4501 South 2700 West, Salt Lake City, Utah, 84119, Grantee, for the
sum of _____ Dollars,
any and all rights of access appurtenant to said entire tract of property by reason
of its location with reference to the northerly right of way line of the existing
highway State Route 132, adjoining the southerly boundary line of said entire tract,
including, without limiting the foregoing, all rights of ingress to or egress from
said highway over and across a portion of said southerly boundary line. Said
portion is described as follows:

Beginning at the intersection of said northerly right of way line and the west line
of said Section 3, which point is 50.00 ft. perpendicularly distant northerly from
the center line of said highway State Route 132 at Engineer Station 11+64.26, said
point of beginning is also approximately 601.51 ft. south from the Northwest corner
of said NW1/4SW1/4; thence N. 71°08' E. 110.74 ft. along said northerly right of way
line to a point opposite Engineer Station 12+75.00.

EXCEPTING and reserving to said Owners, their successors or assigns, the right of
access to the nearest roadway of said existing highway State Route over and across
said northerly right of way line for one temporary 16-foot section, which said
section centers at a point directly opposite highway Engineer Station 12+67, and
said temporary access opening shall inure only for as long as the Owner's remaining
property is used for single-family residential use; in the event any change in land-
use occurs other than for the designated singly-family residence, said temporary 16-
foot access opening shall be forever closed to said Owners and said Owners, their
successors or assigns, shall thereupon release and relinquish at no cost to said
Utah Department of Transportation all rights or interests in said temporary 16-foot
access opening.

Prepared by M.S.M. 6/01/89
Checked by B.C.B. 6/01/89Typed by dgf 6/01/89
Proofread by BCB & MSM 6/01/89

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

WHEN RECORDED, MAIL TO:
 Utah Department of Transportation
 Right-of-Way, Fourth Floor,
 4501 South 2700 West,
 Salt Lake City, Utah 84119-5998

EXAMPLE 15

Right of Entry Agreement

Parcel No. 61:9:4A
 Project No. NF-61(3)

The undersigned hereby grants to the UNITED STATES OF AMERICA AND/OR UTAH DEPARTMENT OF TRANSPORTATION permission to enter upon and take possession of the following described parcel of land required for the construction of a public highway and/or appurtenances thereto, to-wit:

A parcel of land for an expressway known as Project No. NF-61, being part of an entire tract of property, situate in the SE~~1/4~~^{1/4} of Section 7, in the SW1/4NW1/4, the NW1/4SW1/4, and the SW1/4SW1/4 of Section 8 all in T. 8 S., R. 5 E., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning in the west line of said Section 8 at a point 230.00 ft. perpendicularly distant northeasterly from the center line of said project, which point is approximately 2958.04 ft. N. 0°22'39" W. (highway bearing) from the Southwest corner of said Section 8; and running thence N. 25°33'00" W. 218.11 ft. to a point opposite Engineer Station 186+00.00; thence S. 54°21'39" E. 114.13 ft. to a point 285.00 ft. perpendicularly distant northeasterly from said center line at Engineer Station 187+00.00; thence S. 25°33'00" E. 873.80 ft. to a point of tangency with a 7354.437-foot radius curve to the left; thence Southeasterly 1084.17 ft. along the arc of said curve to a point opposite Engineer Station 207+00.00; thence S. 56°00'13" W. 55.00 ft. to a point 230.00 radially distant northeasterly from said center line; thence Northwesterly 1092.28 ft. along the arc of a 7409.437-foot radius curve to the right (Note: Tangent to said curve at its point of beginning bears N. 33°59'47" W.); thence N. 25°33'00" W. 755.69 ft. to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 2.54 acres, more or less.

(Note: All bearings in the above description are based upon the Utah State Plane Coordinate System modified.)

It is understood and agreed that this permission is granted without prejudice to any rights of the undersigned, pending a settlement being arrived at as to the amount of compensation to be paid the Grantors for the said parcel of right of way and with the further understanding that if a satisfactory settlement cannot be agreed upon, the Department of Transportation will, upon notice from the undersigned that the amount of compensation offered is not acceptable, proceed at once to commence and diligently prosecute a condemnation proceeding in the appropriate court for the judicial determination of such compensation.

Continued on Page 2

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

PAGE 2

Parcel No. 61:9:4A
Project No. NF-61(3)

WITNESS, the hand_ of said Grantor_, this _____ day
of _____, A.D. 19__.

Signed in the presence of:

STATE OF _____)

) ss.

COUNTY OF _____)

On the date first above written personally appeared before me,

_____,
the signer_ of the within and foregoing instrument, who duly acknowledged to me that
he executed the same.

Notary Public

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 16

DESCRIPTION OF LAND FOR AN ACCESS
ROAD TO BE GRANTED AS A RIGHT OF WAY
EASEMENT BY THE BUREAU OF RECLAMATION
TO CHARLES GILLMOR, ET AL, INCIDENT TO
THE CONSTRUCTION OF AN EXPRESSWAY
KNOWN AS PROJECT NO. NF-61(3), IN
WASATCH COUNTY, STATE OF UTAH.

Bet.Stas. 145+13.64 & 149+31.86
Northeasterly side of highway

Parcel No. 61:6:QR
Project No. NF-61(3)

United States of America, Grantor,
Charles Gillmor and wife, Grantees,

A perpetual right of way easement, upon part of an entire tract of property, in the SW1/4SE1/4 of Section 6, T. 2 S., R. 5 E., S.L.B. & M., in Wasatch County, Utah. The boundaries of said part of an entire tract are described as follows:

Beginning in the northeasterly limited-access line of the relocated U. S. Highway-189 at a point 350.00 ft. perpendicularly distant northeasterly from the center line of said project at Engineer Station 145+13.64, said point of beginning is approximately 2728.34 ft. N. 89°00'56" E. and 1026.34 ft. N. 0°59'04" W. from the Southwest corner of said Section 6; and running thence S. 35°54'27" E. 165.03 ft., more or less, to the southeasterly boundary line of said Grantees entire tract of property; thence S. 35°54'27" E. 280.91 ft., more or less, to the northerly right of way line of the existing county road at a point 195.22 ft. perpendicularly distant northeasterly from said center line at Engineer Station 149+31.86; thence S. 82°22'00" W. 56.77 ft. to the modified inner limited-access line of the relocated U.S. Highway 189; thence along said modified inner limited-access line the following two courses and distances: N. 35°54'27" W. 245.93 ft.; thence N. 19°14'14" W. 174.30 ft. to the point of beginning.

It is understood hereby that the above right of way easement shall be used perpetually as an access from the county road to the Grantees property. It is also understood that the Grantee shall not have access to or from U.S. Highway 189 over and across the modified inner limited-access line as defined hereinabove.

It is further understood that at the time of this conveyance the United States of America holds the underlying fee to said part of an entire tract, which will be later conveyed to the Utah Department of Transportation and subject to this right of way easement.

It is further understood that the Grantees shall not build or construct, nor permit to be built or constructed, any building or other permanent structures upon, over or across said right of way. This right of way shall be binding upon and inure to the benefit of the successors and assigns of said Grantor and to the successors and assigns of said Grantees, and may be assigned in whole or in part by said Grantees.

Prepared by B.C.B. 4/03/90
Checked by R.L.W. 4/03/90
Reviewed by M.S.M. 4/04/90

Typed by dgf 4/04/90
Proofread by BCB & MSM 4/04/90

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 17

Relinquishment of Access Rights

Bet.Stas. 1615+79 & 1726+39 (CONTROLLED ACCESS) Parcel No. 0091:1:2A
 Southerly side of highway Box Elder County Project No. NH-0091(2)4

_____, Grantor_,
 of _____, County of _____, State of _____,
 being a 25% interest owner of an entire tract of property lying south of the
 existing expressway State Route 91 known as No. U-83(3), situate in the W½SW¼, the
 SE½SW¼ and the S½SE¼ of Section 20, T. 9 N., R. 1 W., S.L.B. & M., in Box Elder
 County, Utah, does hereby RELEASE AND RELINQUISH to the UTAH DEPARTMENT OF
 TRANSPORTATION at 4501 South 2700 West, Salt Lake City, Utah, 84119, Grantee, for
 the sum of _____ Dollars,
 and other good and valuable considerations, for the widening and improvement of an
 expressway known as Project No. 0091, any and all rights of access appurtenant to
 said entire tract of property by reason of its location with reference to that
 certain designated portion of the southerly right of way line of said existing
 expressway adjoining the northerly boundary line of said entire tract, including,
 without limiting the foregoing, all rights of ingress to or egress from said project
 over and across said southerly right of way line, which has enjoyed full access as
 provided for in that certain Quit Claim Deed recorded as Entry No. 25541G in Book
 47 at Page 598 in the office of the Box Elder County Recorder, Utah, said designated
 portion of the southerly right of way line lies opposite the center line of said
 existing expressway between Engineer Station 271+63.18 and Engineer Station
 322+36.41 and is described as follows:

Beginning at the intersection of southerly right of way line of said existing
 expressway and the east line of said Section 20, which point is approximately 467.35
 ft. N. 0°10'04" W. along said east line from the Southeast corner of said Section
 20; and running thence S. 0°10'04" E. 69.79 ft. to said southerly right of way line;
 thence along said southerly right of way line the following thirteen (13) courses
 and distances: (1) N. 81°30'42" W. 663.68 ft. to a point of tangency with a spiral
 to the left concentric with a 220-foot ten-chord spiral for a 3°00' curve to the
 left; thence (2) Westerly 213.08 ft. along the arc of said spiral (Note: Chord to
 said spiral bears N. 83°24'26" W. for a distance of 213.08 ft.) to a point of spiral
 to curve; thence (3) Westerly 264.91 ft. along the arc of a 1775.08-foot radius
 curve to the left (Note: Chord to said curve bears N. 89°06'13" W. for a distance
 of 264.67 ft.) to a point of curve to spiral; thence (4) Westerly 212.23 ft. along
 the arc of said spiral concentric with a 220-foot ten-chord spiral for said 3°00'
 curve to the left (Note: Chord to said spiral bears S. 84°24'03" W. for a distance
 of 212.23 ft.) to a point of spiral to tangent; thence (5) S. 83°20'02" W. 18.63 ft.
 to a point of tangency with a spiral concentric with a 140-foot ten-chord spiral for
 a 2°00' curve to the right; thence (6) Westerly 143.41 ft. along the arc of said
 spiral (Note: Chord to said spiral bears S. 83°48'47" W. for a distance of 143.41
 ft.) to a point of spiral to curve; thence (7) Westerly 1528.51 ft. along the arc
 of a 2999.93-foot radius curve to the right (Note: Chord to said curve bears
 N. 80°39'40" W. for a distance of 1512.03 ft.) to a point of curve to spiral; thence

Continued on Page 2

(8) Northwesterly 143.22 ft. along the arc of said spiral concentric with a 140-foot ten-chord spiral for said 2°00' curve to the right; (Note: Chord to said spiral bears N. 65°02'08" W. for a distance of 143.22 ft.) to a point of spiral to tangent; thence (9) N. 64°41'55" W. 127.33 ft. to a point of tangency with a spiral concentric with a 180-foot ten-chord spiral for a 1°30' curve to the left; thence (10) Northwesterly 176.89 ft. along the arc of said spiral (Note: Chord to said spiral bears N. 65°01'46" W. for a distance of 176.89 ft.); thence (11) N. 53°35'08" W. 243.11 ft.; thence (12) Westerly 1182.94 ft. along the arc of a 3744.83-foot radius curve to the left (Note: Chord to said curve bears N. 78°43'56" W. for a distance of 1178.03 ft.) to a point of curve to spiral; thence (13) Westerly 178.04 ft. along the arc of said spiral concentric with a 180-foot ten-chord spiral for said 1°30' curve to the left (Note: Chord to said spiral bears N. 88°47'49" W. for a distance of 178.04 ft.) to a point opposite Engineer Station 322+36.41, as shown on the official map of said project on file in the office of the Utah Department of Transportation.

(Note: All bearings in the above description are based upon the Utah State Plane Coordinate System modified.)

EXCEPTING and reserving the right of access to the nearest roadway of said highway over and across the southerly right of way line, limited to a right turn from the East-Bound Lane for ingress and a right turn to the East-Bound Lane for egress, for one 30-foot section, which section centers at a point directly opposite Highway Engineer Station 1725+25.00.

Prepared by B.C.B. 1/23/93
Checked by K.R.H. 1/25/93
Reviewed by R.H.J. 1/25/93

Typed by dgf 1/25/93
Proofread by BCB & RHJ 1/25/93

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

Openings are 8, 14, or 15 meters wide in metric values

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 17a

Relinquishment of Access Rights

Bet.Stas. 322+60 & 328+43
 Northerly side of highway

(CONTROLLED ACCESS)
 Davis County

Parcel No. 030:32:3A
 Project No. F-030(9)

_____, Grantor_,
 of _____, County of _____, State of _____,
 being the owner of an entire tract of property lying north of the existing highway
 State Route 193 and west of the existing expressway State Route 89, situate in the
 NE1/4SE1/4 of Section 2 and in the NW1/4SW1/4 of Section 1, all in T. 4 N., R. 1 W.,
 S.L.B. & M., in Davis County, Utah, do hereby RELEASE AND RELINQUISH to the UTAH
 DEPARTMENT OF TRANSPORTATION at 4501 South 2700 West, Salt Lake City, Utah, 84119,
 Grantee, for the sum of _____ Dollars,
 and other good and valuable considerations, and forever close access to said
 existing highway known as Project No. FAP-220A over and across the northerly right
 of way line, which has been provided for in that certain Right of Way Deed recorded
 as Entry No. 77573 in Book 1-S at Page 608 in the office of the Davis County
 Recorder, Utah, now made necessary by the widening of said existing highway known
 as Project No. 030, to wit:

That 583.00-foot section of said northerly right of way line opposite the
 center line of said highway between FAP-220A Engineer Station 322+60 and Engineer
 Station 328+43.18, said 583.00-foot section is described as follows:

Beginning at a point 80.00 ft. perpendicularly distant northerly from said
 center line at Engineer Station 328+43.18, said point of beginning is approximately
 935 ft. south and 115 ft. east from the West Quarter corner of said Section 1; and
 running thence N. 85°38' W. 480.18 ft. along said northerly right of way line to a
 point of tangency with a 2886.8-foot radius curve to the left; thence Westerly
 103.18 ft. continuing along said northerly right of way line, along the arc of said
 curve to a point 17.00 ft. perpendicularly distant easterly from the center line of
 an access road known as the "W2" Line of said project.

Prepared by B.C.B. 6/23/92
 Checked by R.H.J. 1/25/93
 Reviewed by M.S.M. 1/25/93

Typed by dgf 6/24/92
 Proofread by BCB & RHJ 6/24/92

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 17b

Relinquishment of Access Rights

Bet.Stas. 1522+40 & 1534+41 (CONTROLLED ACCESS) Parcel No. 89:21:A
Southeasterly side of highway Piute County Project No. *NH-89(17)160

_____, Grantor_,
of _____, County of _____, State of _____,
being the owner of an entire tract of property lying southeasterly of the existing
highway State Route 89 known as Project No. FAP-19-D, situate in the Lot
4 of Section 19, T. 30 S., R. 3 W., S.L.B. & M., in Piute County, Utah,
does hereby RELEASE AND RELINQUISH to the UTAH DEPARTMENT OF
TRANSPORTATION at 4501 South 2700 West, Salt Lake City, Utah, 84119, Grantee, for
the sum of _____ Dollars,
and other good and valuable considerations, for the widening and improvement of said
existing highway, being an expressway known as Project No. 89, any and all rights
of access over and across the northwesterly boundary line of said entire tract,
which is the southeasterly right of way line of said project. Said entire tract is
described as follows:

All that portion of said Lot 4 of Section 19, T. 30 S., R. 3 W., S.L.B. & M. lying
southeast of the existing state highway and north of the existing county road.

Prepared by J.W.M. 5/18/93
Checked by R.H.J. 11/22/93
Reviewed by B.C.B. 11/22/93

Typed by dgf 11/22/93
Proofread by BCB & RHJ 11/22/93

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 17c

Relinquishment of Access Rights

Bet.Stas. 1416+58 & 1420+08 (CONTROLLED ACCESS) Parcel No. 0040:17:A
Northwesterly side of highway Uintah County Project No. STP-0040(16)138

_____, Grantor_,
of _____, County of _____, State of _____,
being the owner of an entire tract of property lying northwesterly of the existing
highway, situate in SE1/4NE1/4 of Section 28, T. 4 S., R. 21 E., S.L.B. & M., in
Uintah County, Utah, does hereby RELEASE AND RELINQUISH to the UTAH DEPARTMENT OF
TRANSPORTATION at 4501 South 2700 West, Salt Lake City, Utah, 84119, Grantee, for
the sum of _____ Dollars,
and other good and valuable considerations, and forever close those certain accesses
to an existing highway known as Project No. F-015-3(4) over and across the
northwesterly right of way line, which had been provided for in that certain
Warranty Deed recorded at Entry No. 100888 in Book 109 at Page 306 in the office of
the Uintah County Recorder, Utah, now made necessary by the widening of the existing
highway known as Project No. 0040, to-wit:

That 16-foot section which centers at a point directly opposite the center
line of said Project approximately at Engineer Station 1419+00, said point is also
approximately 794 ft. north and 918 ft. west from the East Quarter corner of said
Section 28.

Also, that 16-foot section which centers at a point directly opposite the
center line of said Project approximately at Engineer Station 1420+00, said point
is also approximately 866 ft. north and 848 ft. west from the East Quarter corner
of said Section 28.

Prepared by N.W.B. 9/27/93
Checked by J.S.H. 9/27/93
Reviewed by B.C.B. 10/12/93

Typed by dgf 10/12/93
Proofread by BCB & RHJ 10/12/93

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

Openings are 8, 14, or 15 meters wide in metric values

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 18

Warranty Deed

Bet.Stas. 2332+03 & 2336+54 (CONTROLLED ACCESS) Parcel No. 0091:12:2A
Northwesterly side of highway Cache County Project No. NH-0091(1)10

Terry L. Lindley and Lorraine Z. Lindley, Grantors,

A parcel of land in fee for the widening of the existing expressway State Route 91 known as Project No. 0091, being part of an entire tract of property, situate in the NW1/4NE1/4 of Section 15, T. 10 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the westerly right of way line of the existing county road known as 4400 West Street and the west line of said NW1/4NE1/4, which point is 382.10 ft. S. 0°05'27" E. along the west line of said NW1/4NE1/4 from the North Quarter corner of said Section 15; and running thence S. 0°05'27" E. 294.41 ft. along said west line to a point 90.00 ft. perpendicularly distant westerly from the center line of the relocation of 4400 West Street known as the "C" Line of said project at "C" Line Engineer Station 302+92.03; thence S. 9°56'13" E. 154.37 ft. along a line parallel to said "C" Line to a point opposite Engineer Station 301+37.66; thence S. 16°22'58" E. 141.06 ft. to the northwesterly right of way and limited-access line of said existing expressway at a point 125.00 ft. perpendicularly distant northwesterly from the center line of said project at Engineer Station 2332+02.12; thence Northerly 590 ft., more or less, along said westerly right of way line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 17,690 square feet in area or 0.41 acre, more or less.

(Note: All bearings in the above description are based upon the Utah State Plane Coordinate System modified.)

To enable the Utah Department of Transportation to construct and maintain a public highway as an expressway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway; **EXCEPTING** and reserving to said Owners, their successors or assigns, the right of access to the nearest roadway of said highway over and across the westerly right of way line of the relocated 4400 West Street for one 16-foot section which said section centers at a point directly opposite "C" Line Highway Engineer Station 301+00.00.

Prepared by G.L.B. 2/22/92
Checked by E.R. 5/30/92
Reviewed by B.C.B. 6/10/92

Typed by dgf 6/11/92
Proofread by BCB & RHJ 6/11/92

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 19

Warranty Deed

Bet.Stas. 2318+00 & 2327+58 (CONTROLLED ACCESS) Parcel No. 0091:11:A
Northwesterly side of highway Cache County Project No. NH-0091(1)10

W. Keith Garrett and Ella G. Maughan, Grantors,

A parcel of land in fee for the widening of the existing expressway State Route 91 known as Project No. 0091, being part of an entire tract of property, situate in the SE1/4NW1/4 of Section 15, T. 10 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning in the northwesterly right of way and limited-access line of said existing expressway, at a point 147.41 ft. radially distant northwesterly from the center line of said project at Engineer Station 2318+00.00, said point of beginning is 1941.84 ft. S. 89°34'03" E. along the south line of said SE1/4NW1/4 and 561.78 ft. N. 0°25'57" E. from the West Quarter corner of said Section 15 monumented by a 3" B.L.M. Brass Cap; and running thence Northeasterly 949.75 ft., more or less along said northwesterly right of way and limited-access line, along the arc of a 12,036.84-foot radius curve to the left (Note: Chord to said curve bears N. 35°22'18" E. for a distance of 949.47 ft.) to the north line of said SE1/4NW1/4; thence N. 89°56'14" W. 100.01 ft. along said north line to a point 210.00 ft. radially distant northwesterly from the center line of said project at Engineer Station 2327+04.93; thence S. 32°52'36" W. 303.55 ft. to a point 210.00 ft. radially distant northwesterly from said center line at Engineer Station 2324+00.00; thence S. 28°39'52" W. 593.88 ft. to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 1.19 acres, more or less.

(Note: All bearings in the above description are based upon the Utah State Plane Coordinate System modified.)

To enable the Utah Department of Transportation to construct and maintain a public highway as an expressway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway.

Prepared by G.L.B. 2/21/92
Checked by E.R. 5/27/92
Reviewed by B.C.B. 6/06/92

Typed by dgf 6/09/92
Proofread by BCB & RHJ 6/09/92

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 20

Warranty Deed

Bet.Stas. 2332+54 & 2343+69 (CONTROLLED ACCESS) Parcel No. 0091:13:A
Northwesterly side of highway Cache County Project No. NH-0091(1)10

Mark B. Lindley and Beatrice Lindley, Grantors,

A parcel of land in fee for the widening of the existing expressway State Route 91 known as Project No. 0091, being part of an entire tract of property, situate in the NW1/4NE1/4 of Section 15, T. 10 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the north line of said Section 15 and the northwesterly right of way and limited-access line of said existing expressway, which point is 660.00 ft. (by record, but 737.70 ft. by measurement) S. 89°22'02" E. along said north line from the North Quarter corner of said Section 15; and running thence N. 89°22'02" W. 64.99 ft. along said north line to a point 135.00 ft. perpendicularly distant northwesterly from the center line of said project; thence S. 32°49'42" W. 906.43 ft. along a line parallel to said center line to a point opposite Engineer Station 2334+28.09; thence N. 9°56'13" W. 234.04 ft. to a point 80.00 ft. perpendicularly distant easterly from the center line of the relocation of 4400 West Street known as the "C" Line of said project; thence N. 25°00'30" W. 188.33 ft., more or less, to the easterly right of way line of said 4400 West Street; thence Southerly 587 ft., more or less, along said easterly right of way line to said northwesterly right of way and limited-access line; thence N. 32°49'42" E. 990 ft. (by record, but 1114.63 ft. by measurement) along said northwesterly right of way and limited-access line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 1.80 acres, more or less.

(Note: All bearings in the above description are based upon the Utah State Plane Coordinate System modified.)

To enable the Utah Department of Transportation to construct and maintain a public highway as an expressway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway; **EXCEPTING** and reserving to said Owners their successors or assigns, the right of access to the nearest roadway of said highway over and across the northwesterly right of way line for One 16-foot section, which said section centers at a point directly opposite Highway Engineer Station 2342+80.00.

Prepared by G.L.B. 2/21/92
Checked by E.R. 5/29/92
Reviewed by B.C.B. 6/08/92

Typed by dgf 6/09/92
Proofread by BCB & RHJ 6/10/92

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 21

Warranty Deed

Bet.Stas. 2324+59 & 2343+69 (CONTROLLED ACCESS) Parcel No. 0091:10B:A
Southeasterly side of highway Cache County Project No. NH-0091(1)10

A. Reed Lindley and Loretta B. Lindley, Grantors,

A parcel of land in fee for the widening of the existing expressway State Route 91 known as Project No. 0091, being part of an entire tract of property, situate in the SE1/4NW1/4 and the W1/2NE1/4 of Section 15, T. 10 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the southeasterly right of way and limited-access line of said existing expressway and the northerly boundary line of said entire tract, which point is 926.78 ft. S. 89°22'04" E. along the north line of said Section 15 and 1325.52 ft. S. 32°49'42" S. along said southeasterly right of way and limited-access line from the North Quarter corner of said Section 15; and running thence Easterly 59.33 ft., more or less, along said northerly boundary line to a point designated as Point "B" at a point 135.00 ft. perpendicularly distant southeasterly from the center line of said project; thence S. 32°49'42" W. 191.64 ft. more or less, along a line parallel to said center line to a point opposite Engineer Station 2329+75.00; thence S. 37°46'03" W. 406.51 ft. to a point 100.00 ft. perpendicularly distant southeasterly from said center line at Engineer Station 2325+70.00; thence S. 57°10'18" E. 104.31 ft. to a point designated as Point "A"; thence S. 57°10'18" E. 77.17 ft. to the northerly right of way line of the existing county road known as the Mt. Sterling Road; thence N. 85°30'34" W. 234.74 ft., more or less, along said northerly right of way line to said southeasterly right of way and limited-access line; thence along said southeasterly right of way and limited-access line the following two (2) courses and distances: Northerly 356.87 ft. along the arc of a 12,241.84-foot radius curve to the left (Note: Chord to said curve bears N. 33°39'48" E. for a distance of 356.86 ft.) to a point of curve to tangent at a point 80.00 ft. perpendicularly distant southeasterly from said center line at Engineer Station 2328+15.40; thence N. 32°49'42" E. 328.98 ft. to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 36,624 square feet in area or 0.84 acre, more or less.

(Note: All bearings in the above description are based upon the Utah State Plane Coordinate System modified.)

To enable the Utah Department of Transportation to construct and maintain a public highway as an expressway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway between designated Point "A" and Point "B".

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

Prepared by G.L.B. 2/23/92
Checked by E.R. 5/30/92
Reviewed by B.C.B. 6/10/92

Typed by dgf 6/10/92
Proofread by BCB & RHJ 6/10/92

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 22

DESCRIPTION OF RIGHT-OF-WAY ACROSS
THE WELLSVILLE MENDON UPPER CANAL
OF THE UNITED STATES OF AMERICA
REQUIRED FOR A LIMITED - ACCESS
EXPRESSWAY PROJECT NO. NH-0091(1)10
IN CACHE COUNTY, STATE OF UTAH.

Bet.Stas. 2351+62 & 2353+42
Both sides of highway

Parcel No. 0091:15:AX
Project No. NH-0091(1)10

A parcel of land situate in the SE1/4SE1/4 of Section 10, T. 10 N., R. 1 W., S.L.B. & M., in Cache County, Utah. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the southerly right of way line of the Wellsville Mendon Upper Canal and the southeasterly right of way and limited-access line of the existing expressway State Route 91, which point is 926.78 ft. S. 89°22'20" E. along the south line of said Section 10 and 802.80 ft. N. 32°49'42" E. from the South Quarter corner of said Section 10; and running thence N. 32°49'42" E. 41.41 ft. along said southeasterly right of way and limited-access line to the northerly right of way line of said canal; thence S. 89°29'13" E. 65.08 ft. along said northerly right of way line to a point 135.00 ft. perpendicularly distant southeasterly from the center line of said project at Engineer Station 2353+48.89; thence S. 32°49'42" W. 41.41 ft. along a line parallel to said center line to said southerly right of way line; thence N. 89°29'13" W. 65.08 ft. along said southerly right of way line to the point of beginning. The above described parcel of land contains 0.05 acre, more or less.

(Note: All bearings in the above description are based upon the Utah State Plane Coordinate System modified.)

The above described parcel of land is for a limited-access expressway and is granted without access to or from the remaining properties contiguous to the lands conveyed.

Prepared by G.L.B. 2/22/92
Checked by E.R. 5/30/92
Reviewed by B.C.B. 6/10/92

Typed by dgf 6/11/92
Proofread by BCB & RHJ 6/11/92

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 22a

DESCRIPTION OF THAT PORTION OF RIGHT-OF-WAY
OF THE WELLSVILLE-MENDON UPPER CANAL OF THE
UNITED STATES OF AMERICA REQUIRED FOR A
TEMPORARY EASEMENT TO FACILITATE THE CONSTRUCTION
OF AN IRRIGATION FACILITY IN CONJUNCTION WITH
THE WIDENING OF THE EXISTING STATE ROUTE 91 KNOWN
AS PROJECT NO. NH-0091(1) 10, IN CACHE COUNTY,
STATE OF UTAH.

Bet.Stas. 2351+61 & 2353+49
Southeasterly side of highway

Parcel No. 0091:15:EX
Project No. NH-0091(1)10

a temporary easement upon a strip of land in the SE1/4SE1/4 of Section 10,
T. 10 N., R. 1 W., S.L.B. & M., in Cache County, Utah.

Said strip of land, being 20.00 in width, adjoins southeasterly the
following described portion of the southeasterly right of way and limited-access
line of said project:

Beginning at a point 135.00 ft. perpendicularly distant southeasterly from
the center line of said project at Engineer Station 2353+07.48, said point of
beginning is 991.77 ft. S. 89°22'20" E. along the south line of said Section 10
and 802.96 ft. N. 32°49'42" E. from the South Quarter corner of said Section 10;
and running thence N. 32°49'42" E. 41.41 ft. The above described strip of land
contains 0.02 acre, more or less.

(Note: All bearings in the above description are based upon the Utah State
Plane Coordinate System modified.)

This easement shall expire upon the completion of the construction of said
project or 3 years after the date of the execution of the within instrument,
whichever first occurs.

Prepared by G.L.B. 2/22/92
Checked by E.R. 5/30/92
Reviewed by B.C.B. 6/11/92

Typed by dgf 6/11/92
Proofread by BCB & RHJ 6/11/92

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right-of-Way, Fourth Floor,
4501 South 2700 West,
Salt Lake City, Utah 84119-5998

EXAMPLE 23

Agreement For Change Of Access

(CONTROLLED ACCESS)

Cache County

Parcel No. 0091:8:5:AQ

Project No. NH-0091(1)10

THIS AGREEMENT, made and entered into this _____ day
of _____, A.D.19____, by and between the UTAH DEPARTMENT OF
TRANSPORTATION, at 4501 South 2700 West, Salt Lake City, Utah 84119, First Party,
and _____,
of _____, County of _____, State of _____,
Second Party,

WITNESSETH:

WHEREAS, a certain tract of real property, situate in the S1/2 of Section 16,
T. 10 N., R. 1 W., S.L.B. & M., in Cache County, State of Utah, adjoins the southerly
right of way and limited-access line of the existing controlled-access highway State
Route ____, and has certain rights of access to or from said highway over and across
said southerly right of way and limited-access line for One 14-foot opening centered
at a point opposite Highway Engineer Station 249+25, as granted in that certain
Warranty Deed recorded as Entry No. 247869 in Book 90 at Page 358 in the office of
the Cache County Recorder, Utah, and

WHEREAS, both parties desire to increase the size of and/or change the
location of the hereinabove described access opening to a more desirable size and/or
location.

NOW THEREFORE, for the consideration of the mutual benefit of the parties
hereto and for other good and valuable considerations, the sufficiency of which is
acknowledged, it is agreed by and between the parties hereto that the hereinabove
described access opening is hereby released and relinquished and shall be forever
closed to the Second Party, their heirs, successors or assigns; and in exchange for
said closing, the First Party grants to the Second Party, their heirs, successors
or assigns, the right of access to the nearest roadway of said highway over and
across the southerly right of way and limited-access line for One 16-foot section,
which said section centers at a point directly opposite Highway Engineer Station
2240+00.

The center of said 16-foot section is located approximately 585 feet east and
383 feet south from the West Quarter corner of said Section 16.

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

Continued on Page 2

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

PAGE 2

Parcel No. 0091:8:5:AQ
Project No. NH-0091(1)10

IN WITNESS WHEREOF, the parties hereto have caused the within and foregoing instrument to be executed as of the date first above written.

FIRST PARTY:

STATE OF U T A H) UTAH DEPARTMENT OF TRANSPORTATION
) ss.

COUNTY OF S A L T L A K E) By _____
Chief, Right-of-Way

On the date first above written personally appeared before me, _____, who, being by me duly sworn, did say that he is the Chief, Right-of-Way, and he further acknowledged to me that said instrument was signed by him in behalf of said UTAH DEPARTMENT OF TRANSPORTATION.

WITNESS my hand and official stamp the date in this certificate first above written.

Notary Public

SECOND PARTY:

STATE OF) _____
) ss.
COUNTY OF) _____

On the date first above written personally appeared before me, _____ the signer_ of the within and foregoing instrument, who duly acknowledged to me that _he executed the same.

Notary Public

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 25

Warranty Deed

Bet.Stas. 998+23.90 & 999+29.70
Easterly side of highway

Cache County

Parcel No. 0540:25
Project No. RS-0540(1)

Allan B. Swenson and Elaine B. Swenson, Grantors,

A parcel of land in fee for the widening of the existing highway State Route 165 known as Project No. 0540, being part of an entire tract of property, situate in Lot 2 of Block 19, Millville Field Survey, a subdivision in the NE1/4SE1/4 of Section 28, T. 11 N., R. 1 E., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the Northwest corner of said entire tract, which point is 17.75 rods (equals 292.875 ft.) north from the Southwest corner of said Lot 2; and running thence East 5.50 ft. along the north boundary line of said entire tract to a point 55.00 ft. perpendicularly distant easterly from the center line of said project; thence S. 0°50'47" W. (highway bearing) 91.01 ft., more or less, along a line parallel to said center line, to a point opposite Engineer Station 998+38.69; thence S. 0°11'01" W. (highway bearing) 14.76 ft., more or less, to the south boundary line of said entire tract; thence West 5.67 ft. along said south boundary line to the easterly right of way line of the 1.50-chain wide dedicated county road of record; thence N. 0°52'40" E. (which equals highway bearing N. 0°50'47" E.) 1.603 chains (equals 105.80 ft.) along said easterly right of way line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 582 square feet in area or 0.013 acre, more or less.

TOGETHER WITH the occupied area of land within said existing 1.50-chain wide dedicated county road right of way containing 95 square feet or 0.002 acre, more or less.

Total area of this conveyance is 677 square feet or 0.015 acre, more or less.

Prepared by C.D.M. 7/05/90
Checked by B.C.B. 8/03/90
Reviewed by M.S.M. 9/20/90

Typed by dgf 8/09/90
Proofread by BCB & RHJ 9/20/90

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 26

		Easement	
Bet.Stas. 998+23.90 & 999+29.70			Parcel No. 0540:25:E
Easterly side of highway	Cache County		Project No. RS-0540(1)

Allan B. Swenson and Elaine B. Swenson, Grantors,

a perpetual easement, upon part of an entire tract of property, in Lot 2 of Block 19, Millville Field Survey, a subdivision in the NE1/4SE1/4 of Section 28, T. 11 N., R. 1 E., S.L.B. & M., in Cache County, Utah, for the purpose of constructing thereon cut and/or fill slopes and appurtenant parts thereof incident to the widening and grading of the roadway of the existing highway State Route 165 known as Project No. 0540.

Said part of an entire tract is a strip of land 10.0 ft. wide, adjoining easterly the following described portion of the easterly right of way line of said project:

Beginning in the north boundary line of said entire tract at a point 55.00 ft. perpendicularly distant easterly from the center line of said project, which point is 17.75 rods (equals 292.875 ft.) north and 5.50 ft. east from the Southwest corner of said Lot 2; and running thence S. 0°50'47" W. 91.01 ft., more or less, along a line parallel to said center line, to a point opposite Engineer Station 998+38.69; thence S. 0°11'01" W. 14.76 ft., more or less, to the south boundary line of said entire tract. The above described strip of land contains 1058 square feet in area or 0.024 acre, more or less.

It is agreed hereby, that the Owners, by consent of the Utah Department of Transportation, shall have the right to lessen but not to increase the vertical distance or grade of said cut and/or fill slopes, after said slopes are constructed on the above described lands at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said cut and/or fill slopes and appurtenant parts thereof.

Prepared by C.D.M. 7/05/90
Checked by B.C.B. 8/03/90
Reviewed by M.S.M. 9/20/90

Typed by dgf 8/09/90
Proofread by BCB & MSM 9/20/90

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 27

Warranty Deed

Bet.Stas. 1036+17.67 & 1036+67.17

Easterly side of highway

Cache County

Parcel No. 0540:64

Project No. RS-0540(1)

James Skeen and Brenda Skeen, Grantors,

A parcel of land in fee for the widening of the existing highway State Route 165 known as Project No. 0540, being part of an entire tract of property, situate in Lot 8 of Block 19, Millville Field Survey, a subdivision in the SE1/4 of Section 28, T. 11 N., R. 1 E., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the Southwest corner of said Lot 8, and running thence East 5.50 ft., more or less, along the south line of said Lot 8 to a point 55.00 ft. perpendicularly distant easterly from the center line of said project; thence N. 1°07'49" E. (highway bearing) 49.50 ft., more or less, along a line parallel to said center line, to the north boundary line of said entire tract; thence West 5.50 ft., more or less, along said north boundary line to the easterly right of way line of the 1.50-chain wide dedicated county road of record; thence South (equals highway bearing S. 1°07'49" W.) 3 rods (equals 49.50 ft.) along said easterly right of way line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 272 square feet in area or 0.006 acre, more or less.

Prepared by E.R. 9/27/90

Checked by B.C.B. 10/01/90

Reviewed by M.S.M. 12/27/90

Typed by dgf 10/03/90

Proofread by BCB & RHJ 12/27/90

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 28

Parcel No. 215-9:34D:EQ
Project No. I-215-9(6)297

ASSIGNMENT OF RIGHT OF WAY AND EASEMENT

The UTAH DEPARTMENT OF TRANSPORTATION, by its duly appointed Chief, Right of Way, **Assignor**, of Salt Lake City, County of Salt Lake, State of Utah, hereby assigns and transfers to the MOUNTAIN FUEL SUPPLY COMPANY a corporation of the State of Utah, **Assignee**, of Salt Lake City, County of Salt Lake, State of Utah, for exchange of like facility, all the rights, title and interests conveyed to the UTAH DEPARTMENT OF TRANSPORTATION in a right of way and easement, recorded as Entry No. 2283635 in Book 2745, at Page Nos. 101-106 of the records of Salt Lake County, Utah.

Said right of way and easement is upon part of an entire tract of property in Lot 1 of Section 4, T. 1 S., R. 1 W. S.L.B. & M., in Salt Lake County, Utah, to lay, maintain, operate, repair, inspect, protect, remove and replace pipelines, valves, valve boxes and other gas transmission and distribution facilities (hereinafter collectively called facilities) for the relocation of a gas line incident to the construction of a freeway known as Highway Project No. 215-9, and more particularly described as follows, to-wit:

Said part of an entire tract of land is a strip of land 40.00 ft. wide, adjoining westerly the following described line:

Beginning at the Northeast corner of said entire tract, which point is 41 ft. south from the Northeast corner of said Section 4; thence South 919.75 ft. along the east line of said Section 4 to the northerly no-access line of said project. The above described strip of land contains 0.82 acre, more or less.

The Assignee, its successors and assigns, are to have said right of way and easement with the right of ingress and egress to and from said right of way to maintain, operate, repair, inspect, protect, remove and replace such facilities as will be located thereon incident to the construction of said project. Owners shall have the right to use the above described premises except for the purposes for which this right of way and easement is assigned to said Assignee, provided such use does not interfere with the facilities or any other right assigned to said Assignee.

Said owners shall not build or construct nor permit to be built or constructed any building or other improvement over or across said right of way, nor change the contour thereof without written consent of said Assignee. This right of way and easement shall be binding upon and inure to the benefit of successors and assigns of said Owners and successors and assigns of said Assignee.

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

Continued on Page 2

Parcel No. 215-9:34D:EQ
Project No. I-215-9(6)297

1132-57

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right-of-Way, Fourth Floor,
4501 South 2700 West,
Salt Lake City, Utah 84119-5998

EXAMPLE 29

Easement

Sevier County

Parcel No. 70-1:1B:E
Project No. I-70-1(25)48

_____, Grantor_,
of _____, County of _____, State of _____,
hereby GRANT AND CONVEY to the UTAH DEPARTMENT OF TRANSPORTATION, at
4501 South 2700 West, Salt Lake City, Utah 84119, Grantee, for the sum
of _____, Dollars,
a temporary easement, upon part of an entire tract of property, in the NE1/4SE1/4
of Section 23, T. 22 S., R. 2 W., S.L.B. & M., in Sevier County, Utah, for the
purpose of constructing thereon a haul road and appurtenant parts thereof incident
to the construction of a freeway known as Project No. 70-1.

Said part of an entire tract is a strip of land 60.0 ft. wide, 30.0 ft. on
each side of the following described center line:

Beginning in the west line of the SW1/4SW1/4 of Section 24 of said T. 22 S.,
R. 2 W., S.L.B. & M., at a point approximately 1104.36 ft. N. 0°25'29" E. from the
Southwest corner of said Section 24 as surveyed by Charles Mogo in 1856 and
monumented by an old fence corner, said point of beginning is also approximately
1521.71 ft. N. 0°54'34" W. and 0.89 ft. S. 83°34'45" W. from the Southeast corner
of said Section 23 as surveyed by Sevier County in 1967 and monumented by a brass
cap; thence S. 83°34'45" W. 1330 ft., more or less, to the west line of said
NE1/4SE1/4 at a point approximately 115 ft. north from the Southwest corner of said
NE1/4SE1/4.

The above described strip of land contains 1.83 acres, more or less.

After said haul road is constructed on the above described strip of land at
the expense of said Utah Department of transportation and used for a period of ten
years beginning at the date of the execution of the within instrument, said Utah
Department of Transportation at that time may have the option to renew within one
year following the ten year period and under separate written agreement the
continued use of said haul road, otherwise this easement shall expire after the
eleventh year and said Utah Department of Transportation is thereafter relieved of
any further claim or demand for costs, damages or maintenance charges which may
accrue against said haul road and appurtenant parts thereof, and thereafter said
haul road together with all appurtenances shall become the property of the Grantor
herein.

Continued of Page 2

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

PAGE 2

Parcel No. 70-1:1B:E
Project No. I-70-1(25)48

WITNESS, the hand_ of said Grantor_, this _____ day
of _____, A.D. 19____.

Signed in the presence of:

STATE OF

)

) ss.

COUNTY OF

)

On the date first above written personally appeared before me,

the signer_ of the within and foregoing instrument, who duly acknowledged to me
that _he_ executed the same.

Notary Public

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right-of-Way, Fourth Floor,
4501 South 2700 West,
Salt Lake City, Utah 84119-5998

EXAMPLE 30

DECLARATION OF LAND-USE PROTECTION

Summit County

Parcel No. 611:1F:X
Project No. NS-611(1)

This declaration, made this _____ day of _____, A.D. 19__, by the UTAH DEPARTMENT OF TRANSPORTATION, hereinafter called "UDOT", at 4501 South 2700 West, Salt Lake City, Utah 84119.

BY THESE PRESENTS BE IT KNOWN:

WHEREAS, said UDOT has been engaged in the realignment of a portion of highway State Route 32 west of the Town of Francis, County of Summit, Utah, and more particularly located in the SE1/4SW1/4 and the SW1/4SE1/4 of Section 29, T. 2 S., R. 6 E., S.L.B. & M., and

WHEREAS, said realignment necessitated the construction of cut slopes on the north side of said highway causing disruption to a non-community public drinking water supply from the John O'Driscoll Spring, known also as the Lemon Spring, and

WHEREAS, said UDOT made a certain Agreement for UDOT Acquisition of Property and for Damage Compensation with adjacent Landowners and executed said Agreement on April 17, 1993, and

WHEREAS, a water collection and distribution system has been constructed for said spring arising on UDOT's property, and

WHEREAS, said UDOT has been required to protect said public drinking water supply by restricting any construction, development or other land-use which may threaten the purity of the water supply, and

WHEREAS, a Protection Zone is to be defined for the area to be protected.

NOW THEREFOR, UDOT declares the following as an OBLIGATORY COVENANT to run with the land:

1. That the limits of the Protection Zone is located in those portions of the roadway and right-of-way of said highway State Route 32 lying within 100 feet of Spring #2, and within a triangular tract of property of said UDOT lying north from said highway State Route 32, southwest from Hill Top Drive, and east from the property owned by the Novaks as indicated on Exhibit "A".

Continued of Page 2

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 31

Quit Claim Deed
(CONTROLLED ACCESS)Bet.Stas. 26+47 & 27+87
Westerly side of "C" Line(CORPORATION)
Cache CountyParcel No. 017:8:A
Project No. F-017(15)

Utah Power and Light Company, a Utah Corporation, Grantor,

A parcel of land in fee for an expressway known as Project No. 017, being part of an entire tract of property, situate in the NE1/4SE1/4 of Section 10, T. 10 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the westerly right of way and limited-access line of State Highway known as Route 23 and the northwesterly boundary line of said entire tract, which point is 2069.77 ft. N. 50°05'30" E., 157.20 ft. N. 89°24'30" W. along old fence line and 294.20 ft. N. 26°33'50" E. from the South Quarter corner of said Section 10; and running thence S. 19°08'30" E. (which equals highway bearing S. 18°33'37" E.) 95.00 ft. along said westerly right of way and limited-access line; thence S. 1°48'30" W. (equals highway S. 2°18'06" W.) 47.74 ft. along said westerly right of way and limited-access line to a point 50.00 ft. perpendicularly distant westerly from the "C" Line for said project at Engineer Station 26+47.00; thence N. 19°08'30" W. (equals highway N. 18°33'37" W.) 122.99 ft. along a line parallel to said "C" Line, to said northwesterly boundary line; thence N. 26°33'50" E. (equals highway N. 27°05'40" E.) 23.77 ft. along said westerly boundary line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 0.042 acre, more or less.

(Note: All bearings in the above description are based upon the Utah State Plane Coordinate System modified.)

To enable the Utah Department of Transportation to construct and maintain a public highway as an expressway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Owner of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owner by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway; **EXCEPTING** and reserving to said Owner, a public utility access and not as a covenant running with the land, for the sole and exclusive right of ingress to or egress from the Owner's Transformer Station, to or from the nearest roadway of said public highway over and across the northwesterly right of way line for one 12-foot locked gate, which said gate is to remain locked when not in use by said Owner and centers at a point directly opposite Highway Engineer Station 364+40, said public utility access shall expire upon the cessation of use by said Owner and said Transformer Station for a period greater than one year, or in the event said Owner's remaining entire tract of property shall be granted or conveyed to a third party, said public utility access shall thereupon expire.

Prepared by D.E.K. 8/25/88
Checked by B.C.B. 8/26/88
Reviewed by M.S.M. 8/26/88

Typed by dgf 8/26/88
Proofread by BCB & MSM 8/26/88

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 31a

Quit Claim Deed
(CONTROLLED ACCESS)Bet.Stas. 137+80 & 138+31
Southerly side of highway(CORPORATION)
Cache CountyParcel No. 0045:6:A
Project No. *DPI-0045(001)
Ref. Proj. No. *INH-15-8(94)366

Chevron Pipeline Company, Grantor,

All of the right, title and interest in a parcel of land in fee for the construction of an I-15 Freeway Interchange known as known as Project No. 0045 and known as the Forest Street Interchange, being part of an entire tract of property, situate in the NE1/4NE1/4 of Section 21, T. 9 N., R. 2 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the center line of a 16.50-foot wide strip of land and the northerly line of said Section 21, which point is 2781.5 ft. westerly (which equals highway bearing S. 89°32'22" W.) along said northerly line from the North Quarter corner of Section 22 of said Township and Range; and running thence Westerly (equals highway S. 89°32'22" W.) 8.81 ft. along said northerly line; thence S. 20°57' E. (equals highway S. 21°24'38" E.) 93.82 ft. along the westerly boundary line of said entire tract to a point 85.52 ft. perpendicularly distant southerly from the center line of Forest Street known as the "F" Line of said project at Engineer Station 138+13.20; thence S. 89°20'57" E. (equals highway S. 89°48'35" E.) 17.69 ft.; thence N. 20°57' W. (equals highway N. 21°24'38" W.) 94.04 ft. to said northerly line of Section 21; thence Westerly (equals highway S. 89°32'22" W.) 8.81 ft. along said northerly line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 1,550 square feet in area or 0.036 acre, more or less.

To enable the Utah Department of Transportation to construct and maintain a public highway as an expressway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway; **EXCEPTING** and reserving to said Owners, their successors or assigns, the right of access to the nearest roadway of said highway over and across the southerly right of way line for One 16-foot section, which section centers at a point directly opposite Highway Engineer Station 138+22.00. Said 16-foot section is restricted for an utility access gate only and said gate is to remain locked at all times.

Prepared by D.C.W. (VERSAR) 5/13/93
Checked by D.C.B. (VERSAR) 6/02/93
Reviewed by J.S.H. (VERSAR) 6/03/93

Typed by SA (VERSAR) 6/02/93
Proofread by DCW & DCB 6/03/93

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

Openings are 8, 14, or 15 meters wide in metric values

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 32

Quit Claim Deed

Bet.Stas. 1004+37.40 & 1004+98.40

Parcel No. 0540:30B:1

Westerly side of highway

Cache County

Project No. RS-0540(1)

Ralph E. Anderson, Lavon K. Anderson and Diane N. Anderson, parties of interest in a 60' wide R/W, Grantors,

All of the right, title and interest in the 60-foot wide right of way across a parcel of land for the widening of the existing highway State Route 165 known as Project No. 0540, being part of an entire tract of property, situate in Lot 3 of Block 18, Millville Field Survey, a subdivision in the NE1/4 of Section 28, T. 11 N., R. 1 E., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the westerly right of way line of the 1.50-chain wide dedicated county road of record and the south line of a 60.00 ft wide right of way of record, which point is approximately 297 ft. west and 217.00 ft. N. 1°23' E. (which equals highway bearing N. 1°07'49" E.) from the East Quarter corner of said Section 28; and running thence West 5.50 ft., more or less, along said south line to a point 55.00 ft. perpendicularly distant westerly from the center line of said project; thence N. 1°04'49" E. (highway bearing) 60.00 ft. along a line parallel to said center line; thence East 5.50 ft., more or less, along the north line of said 60.00-foot wide right of way to said westerly right of way line; thence S. 1°23' W. (equals highway S. 1°07'49" W.) 60.00 ft. along said westerly right of way line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 330 square feet in area or 0.008 acre, more or less.

TOGETHER WITH the occupied area of land within said existing 1.50-chain wide dedicated county road right of way containing 630 square feet in area or 0.014 acre, more or less.

Total area of this conveyance is 960 square feet or 0.022 acre, more or less.

Prepared by M.O.A. 6/04/90

Checked by B.C.B. 8/27/90

Reviewed by M.S.M. 10/09/90

Typed by dgf 9/04/90

Proofread by BCB & RHJ 10/09/90

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 33

Warranty Deed

Bet.Stas. 1855+52 & 1859+46

Easterly side of highway

Box Elder County

Parcel No. 0091:1:ST

Project No. *NH-0091(3)8

Leon P. Johnson and Treva H. Johnson, (JT. ROS), Grantors,

A tract of land in fee, being all of the remainder of an entire tract of property, situate in the SW~~1~~⁴NE~~1~~⁴ of Section 15, T. 9 N., R. 1 W., S.L.B. & M. The boundaries of said tract of land are described as follows:

Beginning at the intersection of the south line of said SW~~1~~⁴NE~~1~~⁴ and the easterly right of way and limited-access line of an expressway known as State Route 91, which point is approximately 50.92 ft. east (equals highway bearing S. 89°23'01" E.) along said south line from the center of said Section 15; and running thence Northerly 204.57 ft., more or less, along the arc of a 1506.14-foot radius curve to the left (Note: Chord to said curve bears N. 11°04'10" W. for a distance of 204.41 ft.), along said easterly right of way and limited-access line to the northeasterly bank of a ravine; thence S. 34°44'14" E. 245.44 ft., more or less, along said northeasterly bank and along a southwesterly boundary line of the property conveyed to Box Elder Wildlife Federation Inc. and described in that certain Quit Claim Deed recorded as Entry No. 33796H in Book 247 at Page 30 in the office of the Box Elder County Recorder, Utah to said south line; thence West (highway bearing N. 89°23'01" W.) 100.61 ft., more or less, along said south line to the point of beginning. The above described tract of land contains 9597 square feet in area or 0.220 acre, more or less.

(Note: All bearings in the above description are based upon the Utah State Plane Coordinate System modified.)

Prepared by K.R.H. 10/13/93

Checked by J.A.O. 11/28/93

Reviewed by B.C.B. 1/05/94

Typed by krh 11/23/93

Proofread by BKH 11/23/93

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right-of-Way, Fourth Floor,
4501 South 2700 West,
Salt Lake City, Utah 84119-5998

EXAMPLE 34

Quit Claim Deed

(CORRECTION INSTRUMENT)

(CONTROLLED ACCESS)

Sevier County

Parcel No. 70-2:1:A

Ref. No. 70-3:1:A

Project No. I-70-2(2)96

THE STATE OF UTAH, through and by the DEPARTMENT OF NATURAL RESOURCES, DIVISION OF STATE LANDS, by its duly appointed and qualified Executive Director, Grantor, of Salt Lake City, in the County of Salt Lake, State of Utah, hereby QUIT CLAIMS to the UTAH DEPARTMENT OF TRANSPORTATION, at 4501 South 2700 West, Salt Lake City, Utah 84119, Grantee, for the sum of _____ Dollars, and other good and valuable considerations, all its right, title, and interest in and to the following described parcel of land in Sevier County, State of Utah, to-wit:

A parcel of land in fee for a freeway known as Project No. 70-2, being part of an entire tract of property, situate in the NW~~1~~⁴ of Section 36, T. 23 S., R. 5 E., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the Northwest corner of said Section 36; thence South 523.77 ft., more or less, along the west line of said Section 36 to a point 200.00 ft. perpendicularly distant southeasterly from the center line of survey of said project approximately at Engineer Station 308+23.52; thence N. 63°05'25" E. 1157.08 ft., more or less, to the north line of said Section 36; thence West 1032.12 ft., more or less, along said north line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 6.21 acres, more or less.

(Note: This instrument is given to correct that certain Quit Claim Deed Parcel No. 70-3:1:A recorded as Entry No. 154862 in Book 69 at Page 404 in the office of the Sevier County Recorder, Utah.)

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

Continued on Page 2

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

PAGE 2

Parcel No. 70-2:1:A
Ref. No. 70-3:1:A
Project No. I-70-2(2)96

To enable the Utah Department of Transportation to construct and maintain a public highway as a freeway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway.

The Grantor hereby expressly reserves all gas, oil, coal and other minerals in and under the lands covered by the easement herein granted, and said minerals shall not be leased by Grantor except upon terms and conditions as shall be approved by the Department of Transportation.

IN WITNESS WHEREOF, the State of Utah, through and by the DEPARTMENT OF NATURAL RESOURCES, DIVISION OF STATE LANDS, has caused these presents to be signed and sealed this _____ day of _____, A.D. 19__, by the Executive Director of the Division of State Lands, Department of Natural Resources, duly authorized by a resolution of the Board of State Lands under date of _____ and as provided by Repl. Vol. Utah Code Annotated, Section 65-2-1 (1961).

STATE OF UTAH

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF STATE LANDS

S T A T E O F U T A H)
) ss.

COUNTY OF SALT LAKE)

By _____
Executive Director

On the date first above written personally appeared before me, _____, who, being by me duly sworn, did say that he is the Executive Director of the Division of State Lands, Department of Natural Resources, of the State of Utah, and that said instrument was executed in behalf of the State of Utah by authority of a resolution of the Board of State Lands and he further acknowledged to me that the State of Utah executed the same.

WITNESS my hand and official stamp the
date in this certificate first above written.

Notary Public

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 35

		Easement	
Bet.Stas. 989+43.61 & 991+07.00			Parcel No. 0540:17:E
Westerly side of highway	Cache County		Project No. RS-0540(1)

E. Levell Tippetts and Lyllis Y. Tippetts, Grantors,

a perpetual easement, upon part of an entire tract of property, in the NE1/4SE1/4 of Section 28, T. 11 N., R. 1 E., S.L.B. & M., in Cache County, Utah, for the purpose of constructing thereon cut and/or fill slopes, an irrigation facility and appurtenant parts thereof, incident to the widening and grading of the roadway of the existing highway State Route 165 known as Project No. 0540.

The boundaries of said part of an entire tract are described as follows:

Beginning in the northerly right of way line of the existing county road known as 4000 South Street at a point 70.00 ft. radially distant westerly from the center line of said project at Engineer Station 989+43.61, said point of beginning is 1361.90 ft. north, 436.13 ft. west and 201.96 ft. S. 89°08'30" E. (which equals highway bearing N. 89°47'00" E.) from the Southeast corner of said Section 28; and running thence N. 39°24'10" E. 19.02 ft. to the westerly right of way line of said existing highway; thence N. 12°39'02" W. 134.69 ft. along said westerly right of way line to the northerly boundary line of said entire tract; thence N. 54°04'04" W. 22.67 ft., more or less, along said northerly boundary line, along a canal to a point 70.00 ft. radially distant westerly from said center line; thence S. 12°39'02" E. 163.39 ft., more or less, to the point of beginning. The above described part of an entire tract contains 2235 square feet in area or 0.051 acre, more or less.

It is agreed hereby, that the Owners, by consent of the Utah Department of Transportation, shall have the right to lessen but not to increase the vertical distance or grade of said slopes.

After said cut and /or fill slopes and said irrigation facility are constructed on the above described lands at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said cut and/or fill slopes, irrigation facility and appurtenant parts thereof.

Prepared by C.D.M. 5/31/90
 Checked by B.C.B. 7/19/90
 Reviewed by M.S.M. 9/17/90

Typed by dgf 7/20/90
 Proofread by BCB & MSM 9/17/90

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right-of-Way, Fourth Floor,
4501 South 2700 West,
Salt Lake City, Utah 84119-5998

EXAMPLE 36

Easement

(CORPORATION)
Davis County

Parcel No. 030:32:2E
Project No. F-030(9)

Weber Basin Water Conservancy District

a corporation of the State of _____, Grantor,
hereby GRANTS AND CONVEYS to the UTAH DEPARTMENT OF TRANSPORTATION, at
4501 South 2700 West, Salt Lake City, Utah 84119, Grantee, for the sum
of _____, Dollars,
a temporary easement, upon part of an entire tract of property, in the NE1/4SE1/4
of Section 2, T. 4 N., R. 1 W., S.L.B. & M., in Davis County, Utah, for the purpose
of constructing thereon cut and/or fill slopes and appurtenant parts thereof
necessary for the grading of an access road known as the "W2" Line incident to the
widening of an existing expressway State Route 89 and existing highway State Route
193 known as Project No. 030.

The boundaries of said part of an entire tract are described as follows:

Beginning in the northerly right of way line of said existing highway State
Route 193 at the Southwest corner of said entire tract, which point is 316.40 ft.
S. 0°28' W., 1179.7 ft. N. 89°32' W. and approximately 638.0 ft. S. 0°28' W. from
the East Quarter corner of said Section 2; and running thence Easterly 145.89 ft.
along said northerly right of way line, along the arc of a 2939.79-foot radius curve
to the right (Note: Chord to said curve bears N. 80°51'07" E. for a distance of
145.87 ft.); thence N. 69°38'20" E. 106.04 ft. continuing along said northerly right
of way line; thence N. 86°28'08" W. 221.39 ft.; thence N. 70°12'18" W. 23.16 ft. to
the westerly boundary line of said entire tract; thence S. 0°28' W. 82.00 ft., more
or less, along said westerly boundary line to the point of beginning. The above
described part of an entire tract contains 10,605 square feet in area or 0.244 acre,
more or less.

(Note: Rotate all bearings in the above description 0°21'04" clockwise to
match highway bearings based upon the Utah State Coordinate System modified.)

This easement shall expire upon the completion of the construction of said
project or 3 years after the date of the execution of the within instrument,
whichever first occurs.

After said cut and/or fill slopes are constructed on the above described part
of an entire tract at the expense of said Utah Department of transportation, said
Utah Department of Transportation is thereafter relieved of any further claim or
demand for costs, damages or maintenance charges which may accrue against said cut
and/or fill slopes and appurtenant parts thereof.

Continued of Page 2

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

PAGE 2

Parcel No. 030:32:2E
Project No. F-030(9)

The officers who sign the within instrument certify that the transfer represented thereby was duly authorized under a resolution duly adopted by the Board of Directors of the Grantor at a lawful meeting duly held and attended by a quorum.

IN WITNESS WHEREOF, said Grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers, this _____ day of _____, A.D. 19____.

ATTEST:

Secretary

CORPORATE SEAL:

WEBER BASIN WATER CONSERVANCY DISTRICT

STATE OF _____)

) ss.

By _____

COUNTY OF _____)

President

On the date first above written personally appeared before me, _____ and _____, who, being by me duly sworn, did say, each for himself, that he, said _____ is the president, and that he, said _____ is the secretary of WEBER BASIN WATER CONSERVANCY DISTRICT, a corporation, and that the within and forgoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors, and said president and said secretary each duly acknowledged to me that said corporation executed the same, and that the seal affixed is the seal of said corporation.

WITNESS my hand and official stamp the date in this certificate first above written:

Notary Public

Continued on Page 3

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Board of Directors of the WEBER BASIN WATER CONSERVANCY DISTRICT, that the President and the Secretary of said District be and are hereby authorized and empowered to execute on behalf of said District a _____ with the Utah Department of Transportation, on the terms and conditions contained in the forms of agreements presented to and considered at this meeting.

CERTIFICATE

I, IVAN W. FLINT, Secretary of the WEBER BASIN WATER CONSERVANCY DISTRICT, hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Board of Directors of the WEBER BASIN WATER CONSERVANCY DISTRICT at a regular meeting held on _____.

Ivan W. Flint, Secretary

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 37

Warranty Deed

Bet.Stas. 992+77 & 994+20.30

Parcel No. 0540:20

Easterly side of highway

Cache County

Project No. RS-0540(1)

William A. Morris and Nancy A. Morris, Grantors,

A parcel of land in fee for the widening of the existing highway State Route 165 known as Project No. 0540, being part of an entire tract of property, situate in the NE1/4SE1/4 of Section 28, T. 11 N., R. 1 E., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the former easterly right of way line of the 1.50-chain wide dedicated county road of record and the former northeasterly right of way line of the existing Blacksmith Fork Canyon (also known as Hollow Road), which point is 215.41 ft. west and 1782.70 ft. north from the Southeast corner of said Section 28; and running thence N. 0°52'40" E. (which equals highway bearing N. 0°50'47" E.) 66.22 ft. along said former easterly right of way line to the northerly boundary line of said entire tract; thence S. 89°29' E. (equals highway N. 89°33'47" E.) 24.12 ft., more or less, along said northerly boundary line to a point 55.00 ft. radially distant easterly from the center line of said project; thence Southerly 24.70 ft., more or less, along the arc of a 2,809.79-foot radius curve to the left concentric with said center line, to a point opposite Engineer Station 993+88.83 (Note: Chord to said curve bears S. 5°54'02" E. for a distance of 24.70 ft.); thence S. 30°23'18" E. (highway bearing) 118.08 ft., more or less, to said northeasterly right of way line; thence N. 53°58'40" W. (equals highway N. 55°30'30" W.) 106 ft., more or less, along said northeasterly right of way line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 3847 square feet in area or 0.088 acre, more or less, of which 3739 square feet or 0.086 acre, more or less, is now occupied by the existing highway. Balance 108 square feet or 0.002 acre, more or less.

Prepared by W.B. 6/13/90
Checked by B.C.B. 8/07/90
Reviewed by M.S.M. 9/17/90

Typed by dgf 8/10/90
Proofread by BCB & RHJ 9/17/90

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 38

Warranty Deed

Bet.Stas. 340+33 & 342+06
Easterly side of highway

Davis County

Parcel No. 030:17B
Project No. F-030(9)

Dr. Ronald S. Rankin and Carol Rankin, Grantor

An additional parcel of land in fee for a frontage road incident to the widening of an existing expressway State Route 89 known as Project No. 030, being part of an entire tract of property, situate in the NW1/4NW1/4 of Section 12, T. 4 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at a point 30.00 ft. radially distant easterly from the center line of said frontage road know as the "E1" Line Office Revision of said project at Engineer Station 11+38.98, said point of beginning is 1321.00 ft. S. 89°58'22" E. along the north line of said Section 12, 1096.41 ft S. 0°20'27" W. along the east line of said NW1/4NW1/4, 1007.14 ft. S. 74°15' W. and 129.64 ft. N. 3°55'31" E. from the Northwest corner of said Section 12; and running thence N. 3°55'31" E. 171.45 ft., more or less, to the northerly boundary line of said entire tract; thence N. 82°06'58" E. 9.32 ft., more or less, along said northerly boundary line to a point 30.00 ft. perpendicularly distant easterly from said "E1" Line Office Revision; thence S. 3°56'36" W. 3.99 ft., more or less, along a line parallel to said "E1" Line Office Revision, to a point opposite Engineer Station 12+98.08; thence Southerly 170.75 ft. along the arc of a 439.26-foot radius curve to the right, concentric to said "E1" Line Office Revision (Note: Chord to said curve bears S. 7°11'33" W. for a distance of 169.68 ft.) to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 1785 square feet in area or 0.041 acre, more or less.

(Note: Rotate all bearings in the above description 0°21'04" clockwise to match highway bearings based upon the Utah State Plane Coordinate System modified.)

Prepared by R.H.J. 9/16/92
Checked by R.L.W. 9/16/92
Reviewed by B.C.B. 9/16/92

Typed by dgf 9/16/92
Proofread by BCB & RHJ 9/16/92

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 39

Warranty Deed

Bet.Stas. 1002+21.70 & 1004+37.40

Parcel No. 0540:30:1

Westerly side of highway

Cache County

Project No. RS-0540(1)

Grace S. Anderson, Trustee of the Grace S. Anderson Trust, an undivided 1/2 interest, Grantor,

An undivided 1/2 interest in a parcel of land in fee for the widening of the existing highway State Route 165 known as Project No. 0540, being part of an entire tract of property, situate in Lots 2 and 3 of Block 18, Millville West Field Survey, a subdivision in the SE1/4NE1/4 and the NE1/4SE1/4 of Section 28, T. 11 N., R. 1 E., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the south boundary line of said entire tract and the westerly right of way line of the 1.50-chain wide dedicated county road of record, which point is 2733.76 ft. north and 215.24 ft. (by record, but 297 by measurement) west from the Southeast corner of said Section 28; and running thence N. 1°23' E. (which equals highway bearing N. 1°07'49" E.) 217.0 ft. along said westerly right of way line to the north boundary line of said entire tract; thence West 5.50 ft., more or less, along said north boundary line to a point 55.00 ft. perpendicularly distant westerly from the center line of said project; thence S. 1°07'49" W. (highway bearing) 217.00 ft., more or less, along a line parallel to said center line, to said south boundary line; thence East 5.50 ft., more or less, along said south boundary line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 1193 square feet in area or 0.028 acre, more or less.

TOGETHER WITH the occupied area of land within said existing 1.50-chain wide dedicated county road right of way containing 2626 square feet or 0.060 acre, more or less.

Total area of this conveyance is 3819 square feet or 0.088 acre, more or less.

Prepared by M.O.A. 6/04/90
Checked by B.C.B. 8/27/90
Reviewed by M.S.M. 10/09/90

Typed by dgf 8/31/90
Proofread by BCB & RHJ 10/09/90

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 40

Easement
Bet.Stas. 995+65.30 & 1002+23.75
Westerly side of highway Cache County

Parcel No. 0540:29:E
Project No. RS-0540(1)

Stanley B. Swenson and Trudy O. Swenson, Grantors,

a perpetual easement, upon part of an entire tract of property, in the SE1/4 of Section 28, T. 11 N., R. 1 E., S.L.B. & M., in Cache County, Utah, for the purpose of constructing thereon cut and/or fill slopes, an irrigation facility and appurtenant parts thereof incident to the widening and grading of the roadway of the existing highway State Route 165 known as Project No. 0540.

Said part of an entire tract is a strip of land 20.0 ft. wide from Engineer Station 995+65.30 to 1000+00.00, and 10.00 ft. wide from Engineer Station 1000+00.00 to 1002+23.75, and adjoins westerly the following described portion of the westerly right of way line of said project:

Beginning in the north boundary line of said entire tract at a point 55.00 ft. perpendicularly distant westerly from the center line of said project at Engineer Station 1002+23.75, said point of beginning is 302.5 ft. west from the East Quarter corner of said Section 28; and running thence S. 1°07'49" W. 223.27 ft.; thence S. 0°50'47" W. 162.01 ft.; thence S. 0°42'53" E. 201.86 ft. to a point 51.86 ft. radially distant westerly from said center line at Engineer Station 996+38.69; thence S. 0°50'47" W. 74.86 ft., more or less, to the south boundary line of said entire tract. The above described strip of land contains 11,007 square feet in area or 0.253 acre, more or less.

It is agreed hereby, that the Owners, by consent of the Utah Department of Transportation, shall have the right to lessen but not increase the vertical distance or grade of said slopes.

After said cut and/or fill slopes and said irrigation facility are constructed on the above described lands at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said cut and/or fill slopes, irrigation facility and appurtenant parts thereof.

Revised by C.D.M. 10/11/90
Checked by B.C.B. 10/11/90
Reviewed by M.S.M. 10/11/90

Typed by dgf 10/11/90
Proofread by BCB & MSM 10/11/90

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 41

Easement		
Bet.Stas. 1045+36.9 & 1049+94.88		Parcel No. 0540:76:E
Easterly side of highway	Cache County	Project No. RS-0540(1)

Deloy C. Parkinson and Joyce A Parkinson, Grantors,

a perpetual easement, upon part of an entire tract of property, in the NE1/4SE1/4 of Section 21, T. 11 N., R. 1 E., S.L.B. & M., in Cache County, Utah, for the purpose of constructing thereon cut and/or fill slopes, an irrigation facility and appurtenant parts thereof incident to the widening and grading of the roadway of the existing highway State Route 165 known as Project No. 0540.

In-so-far as it lies within said entire tract, said part of an entire tract is a strip of land 25.0 ft. wide from Engineer Station 1045+36.9 to opposite Engineer Station 1048+00.00, and 20.00 ft. wide from Engineer Station 1048+00.00 to opposite Engineer Station 1049+94.88, adjoining easterly the following described portion of the easterly right of way line of said project:

Beginning in the southerly boundary line of said entire tract at a point 55.00 ft. perpendicularly distant easterly from the center line of said project, which point is approximately 80 ft. west, 315 ft. N. 1°07'49" E. and 5.50 ft. east from the Southwest corner of said SE1/4NE1/4; and running thence N. 1°07'49" E. 281.79 ft., more or less, along a line parallel to said center line, to a point of tangency with a 5784.58-foot radius curve to the left opposite Engineer Station 1048+18.49; thence Northerly 177.89 ft., more or less, along the arc of said curve to the southerly right of way line of the existing 3100 South Street. The above described strip of land contains 10,609 square feet in area or 0.244 acre, more or less.

It is agreed hereby, that the Owners, by consent of the Utah Department of Transportation, shall have the right to lessen but not increase the vertical distance or grade of said slopes.

After said cut and/or fill slopes and said irrigation facility are constructed on the above described lands at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said cut and/or fill slopes, irrigation facility and appurtenant parts thereof.

Prepared by E.R. 10/09/90
Checked by B.C.B. 10/11/90
Reviewed by M.S.M. 10/24/90

Typed by dgf 10/24/90
Proofread by BCB & MSM 10/24/90

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 42

Warranty Deed

Bet.Stas. 987+32.60 & 988+74.90
Easterly side of highway

Cache County

Parcel No. 0540:15
Project No. RS-0540(1)

Nibley Town Corporation, Grantor,

A parcel of land in fee for the widening of the existing highway State Route 165 known as Project No. 0540, being part of an entire tract of property, situate in the E1/2SE1/4 of Section 28, T. 11 N., R. 1 E., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning in the easterly right of way line of said existing highway at a Northwest corner of said entire tract, which point is 1326.866 ft. north and 95.257 ft. west (1328.80 ft. north and 74.5 ft. west by record) from the Southwest corner of Section 27, T. 11 N., R. 1 E., S.L.B. & M.; and running thence S. 12°22' E. (which equals highway bearing S. 13°19'13" E.) 164.22 ft. (by record, but 142.30 ft. by measurement) along said easterly right of way line to the intersection of said easterly right of way line and the northeasterly right of way line of the former State Highway to Hyrum now known as Johnson Road; thence N. 77°38'00" E. (equals highway N. 76°40'47" E.) 5.00 ft. along the southerly boundary line of said entire tract to a point 55.00 ft. perpendicularly distant easterly from the center line of said project; thence N. 13°19'13" W. (highway bearing) 141.43 ft. along a line parallel to said center line; thence S. 87°31'00" W. (equals highway S. 86°33'47" W.) 5.08 ft., more or less, along a northerly boundary line of said entire tract to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 709 square feet in area or 0.016 acre, more or less.

Together with any and all abutter's rights of underlying fee to the center of the existing right of way appurtenant to this conveyance.

Prepared by C.D.M. 5/31/90
Checked by B.C.B. 7/18/90
Reviewed by M.S.M. 8/22/90

Typed by dgf 7/20/90
Proofread by BCB & RHJ 9/13/90

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 43

Warranty Deed

Bet.Stas. 1043+50.30 & 1044+70.30
Westerly side of highway

Cache County

Parcel No. 0540:71:2
Project No. RS-0540(1)

Byron Snow, (Life Estate), Grantor,

All of the right, title and interest in a parcel of land in fee for the widening of the existing highway State Route 165 known as Project No. 0540, being part of an entire tract of property, situate in the NE1/4SE1/4 of Section 21, T. 11 N., R. 1 E., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning the intersection of the north right of way line of said existing 3200 South Street and the westerly right of way line of the 1.50-chain wide dedicated county road of record, which point is 18.28 chains south, 17.20 chains S. 89°02' E., 2.80 chains S. 89°02' E., 0.50 chains south and 17.25 chains S. 89°02' E. from the Northwest corner of the Southeast Quarter of said Section 21, said point of beginning is also approximately 1220 ft. south and 179 ft. west from the east Quarter corner of said Section 21; and running thence West 5.50 ft., more or less, along said north right of way line to a point 55.00 ft. perpendicularly distant westerly from the center line of said project; thence N. 1°07'49" E. (highway bearing) 120.00 ft., more or less, along a line parallel to said center line, to the north boundary line of said entire tract; thence East 5.50 ft., more or less, along said north boundary line to said westerly right of way line; thence S. 1°09' W. (which equals highway S. 1°07'49" W.) 120.00 ft. along said westerly right of way line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 660 square feet in area or 0.015 acre, more or less.

Prepared by C.D.M. 5/31/90
Checked by B.C.B. 7/18/90
Reviewed by M.S.M. 8/22/90

Typed by dgf 7/20/90
Proofread by BCB & RHJ 9/13/90

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 44

Quit Claim Deed

Bet.Stas. 362+17 & 363+81
Easterly side of highway

Davis County

Parcel No. 030:25:STQ
Project No. F-030(9)

Utah Department of Transportation, Grantor,

A tract of land in fee, situate in the SW1/4SW1/4 of Section 1, T. 4 S., R. 1 W., S.L.B. & M. The boundaries of said tract of land are described as follows:

Beginning at a point 604.60 ft. S. 89°57'12" E., 649.75 ft. N. 0°22'36" E. and 147.89 ft. S. 88°08'55" W. from the Southwest corner of said Section 1; and running thence N. 88°08'55" E. 56.35 ft.; thence N. 0°22'36" E. 147.58 ft.; thence S. 88°08'55" W. 32.96 ft., more or less, to the easterly right of way line of a frontage road known as the "E1" Line of Project No. 030; thence S. 8°40'53" W. 150.00 ft., more or less, along said easterly right of way line to the point of beginning. The above described tract of land contains 6,710 square feet in area or 0.154 acre, more or less.

(Note: Rotate all bearings in the above description 0°21'04" clockwise to match highway bearings based upon the Utah State Plane Coordinate System modified.)

Subject to a perpetual easement for the protection of cut and/or fill slopes of the existing highway: That the herein Grantees, by consent of the Utah Department of Transportation, shall have the right to lessen but not to increase the vertical distance or grade of said cut and/or fill slopes.

Together with and subject to any and all easements, rights-of-way and restrictions appearing of record or enforceable in law and equity.

Junkyards, as defined in 23 United States Code, Section 136, shall not be established or maintained on this tract.

Prepared by B.C.B. 1/06/94
Checked by R.C. 1/06/94
Reviewed by R.H.J. 1/06/94

Typed by dgf 1/06/94
Proofread by BCB & RLW 1/06/94

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 45

Quit Claim Deed
(TRUSTEE)Bet.Stas. 154+69 & 155+15
Easterly side of highway(CONTROLLED ACCESS)
Utah CountyParcel No. 15-6:3:3A
Project No. IR-15-6(107)282Melvin Leon Kirkham and Connie Jeanne Nielsen, Trustees, Grantors,

All rights, title or interest in a parcel of land in fee for the modification of a freeway interchange known as Project No 15-6, being part of an abandoned county lane, situate in the NE1/4NE1/4 of Section 16, T. 5 S., R. 1 E., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the easterly right of way and no-access line of the existing freeway and the west right of way of said abandoned lane, which point is 457.7 ft. south, 1665.0 ft. east, 132.00 ft. S. 16°09'00" E. (highway bearing) along said easterly right of way and no-access line and approximately 78 ft. S. 24°54'00" E. (highway bearing) along said easterly right of way and no-access line from the North Quarter corner of said Section 16; and running thence North (which equals highway bearing N. 3°03'30" W.) 106.81 ft., more or less, along said west right of way line to a point 106.29 ft. perpendicularly distant easterly from the control line of an entrance ramp known as the "A" Line of said project at Engineer Station 153+75.72; thence S. 35°38'36" E. (highway bearing) 59.61 ft., more or less, to the east right of way line of said abandoned lane; thence South (which equals highway bearing S. 3°03'30" E.) 136.69 ft., more or less, along said east right of way line; thence N. 24°54'00" W. (highway bearing) 86.28 ft., more or less, along said easterly right of way and no-access line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 3927 square feet in area or 0.090 acre, more or less.

(Note: All bearings in the above description are based upon the Utah State Plane Coordinate System modified.)

To enable the Utah Department of Transportation to construct and maintain a public highway as an expressway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway.

Prepared by M.W.B. (Versar) 5/20/92
Checked by R.C. 6/02/92
Reviewed by M.S.M. 6/03/92

Typed by dgf 6/03/92
Proofread by MSM & DGF 6/04/92

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 46

Quit Claim Deed
(CITY)

Bet.Stas. 1780+61 & 1791+91

Southeasterly side of highway Box Elder County

Parcel No. 0091:13:ST

Project No. NH-0091(2)4

Brigham City, Grantor,

A tract of land in fee for a wetland facility incident to the widening of the existing expressway State Route 91 known as Project No. 0091, being the remainder of an entire tract of property, situate in Lot 2, Lot 3, and Lot 4 of Block 2, Plat "B", Mantua Survey, a subdivision in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 22 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, T. 9 N., R. 1 W., S.L.B. & M. The boundaries of said tract of land are described as follows:

Beginning in the west line of said Section 22 at a point 672.00 ft. north from the Southwest corner of said Section 22; and running thence North 250.00 ft. along said west line; thence N. 87°30' W. 72.40 ft. to the southeasterly right of way and limited-access line of said project; thence along said southeasterly right of way and limited-access line the following five (5) courses and distances: (1) N. 70°07'22" E. 76.91 ft. to said west line of Section 22; thence (2) N. 70°07'22" E. 72.01 ft.; thence (3) N. 66°04'29" E. 296.58 ft.; thence (4) N. 58°19'56" E. 384.77 ft.; thence (5) N. 36°38'49" E. 249.77 ft. to the northerly line of said Lot 3; thence S. 79°15'00" E. 8.83 ft., more or less, along said northerly line; thence S. 86°33'00" E. 229.00 ft. along the northerly line of said Lot 2 to the Northeast corner of said Lot 2; thence S. 4°11'00" W. 220.00 ft. along the easterly line of said Lot 2; thence S. 43°35'00" W. 399.80 ft. along the southeasterly line of said Lot 2; thence S. 37°10'00" W. 379.00 ft. continuing along said southeasterly line; thence West 100.00 ft.; thence S. 2°00' E. 160.00 ft., more or less to the south line of said Block 2; thence West 33.00 ft. along said south block line; thence N. 2°00' W. 160.00 ft., more or less; thence West 399.00 ft. to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described tract of land contains 9.874 acres, more or less.

(Note: Rotate all bearings in the above description 0°38'31" clockwise to match highway bearings based upon the Utah State Plane Coordinate System modified.)

AS A COVENANT running with the land in perpetuity, the Utah Department of Transportation as the new owners of said tract of land, for themselves and for their assigns and/or successors, covenant and agree to preserve said wetland facility and its appurtenant parts upon the hereinabove described tract of land in the condition as constructed and as required by the U.S. Army Corp of Engineers after said wetland facility is constructed and accepted by said Corp of Engineers upon the above described tract of land at the expense of said Utah Department of Transportation.

Continued on Page 2

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

PAGE 2

Parcel No. 0091:13:ST
Project No. NH-0091(2)4

RESERVING to the grantor a perpetual easement for the purpose of maintaining, repairing and replacing thereon a culinary water line and a sewer line and appurtenant parts thereof and for the maintenance of an of an existing irrigation facility and appurtenant parts thereof. Together with the necessary access over and across the above described parcel of land necessary said maintenance, which access shall be to or from the existing 600 South and 750 South Streets only.

Said easement is SUBJECT to the hereinabove COVENANT and said grantor agrees not to disturb or damage said wetland facility or appurtenant parts thereof, and that in the event damage is caused by said maintenance, said grantor shall restore said wetland facility at its sole costs.

Revised by K.R.H. (ESI) 4/16/93
Checked by J.A.O. 4/16/93
Reviewed by B.C.B. 4/16/93

Typed by dgf 4/21/93
Proofread by BCB & RHJ 4/21/93

WHEN RECORDED, MAIL TO:
 Utah Department of Transportation
 Right-of-Way, Fourth Floor,
 4501 South 2700 West,
 Salt Lake City, Utah 84119-5998

EXAMPLE 47

Quit Claim Deed

(CITY)

Box Elder County

Parcel No. 0091:11:2C
 Project No. NH-0091(2)4

Mantua Town, a municipal corporation of the State of Utah, Grantor, hereby QUIT CLAIMS to MANTUA TOWN a municipal corporation of the State of Utah, at 409 North Main Street, Mantua, Utah 84302 Grantee, for the sum of _____ Dollars, and other good and valuable considerations, the following described parcel of land in Box Elder County, State of Utah, to-wit:

A parcel of land to be set aside and placed on record for the improvement of 100 South Street incident to the widening of the existing expressway State Route 91 known as Project No. 0091, being part of an entire tract of property, situate in Block 3 of Plat "B", Mantua Survey, a subdivision in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, T. 9 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the northeasterly right of way line of the existing 100 South Street of Mantua formerly the old state highway and the west line of said Section 22, which point is approximately 53 ft. N. 0°38'31" E. along said west line from the Southwest corner of said Section 22; and running thence N. 0°38'31" E. 20.35 ft., more or less, along said west line to a point 105.00 ft. perpendicularly distant northerly from the center line of said improvement known as the "C" Line of said project; thence S. 76°17'22" E. 214.06 ft., more or less, along a line parallel to said center line to a point opposite Engineer Station 311+52.14; thence S. 73°44'53" E. 141.23 ft., more or less, to the extended easterly line produced of said Block 3; thence S. 7°25'24" W. 58.30 ft., more or less, along said easterly line to said northeasterly right of way line; thence N. 69°12' W. 359.69 ft., more or less, along said northeasterly right of way line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 14,375 square feet in area or 0.330 acre, more or less.

(Note: All bearings in the above description are based upon the Utah State Plane Coordinate System modified.)

Continued on Page 2

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

PAGE 2

Parcel No. 0091:11:2C
Project No. NH-0091(2)4

IN WITNESS WHEREOF, said _____ has caused
this instrument to be executed by its proper officers thereunto duly authorized,
this _____ day of _____, A.D. 19__.

STATE OF UTAH) _____

) ss.

COUNTY OF) _____

By _____

On the date first above written personally appeared before me,
_____, who, being by me duly sworn, did say that he is
the _____ of _____,
a municipal corporation of the State of Utah, and that the within and foregoing
instrument was signed in behalf of said municipal corporation by authority of a
resolution adopted at a regular meeting of the _____ held
on the _____ of _____, A.D. 19__, and
said _____ acknowledged to me that
said municipal corporation executed the same.

WITNESS my hand and official stamp the
date in this certificate first above written:

Notary Public

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 48

Easement

Bet.Stas. 1794+99 & 1796+32

Parcel No. 0091:21:EC

Easterly side of highway

Box Elder County

Project No. NH-0091(2)4

Lawrence J. Allen and Carolyn R. Allen, Grantors,
Mantua Town, a municipal corporation of the State of Utah, Grantee,

a perpetual easement, upon part of an entire tract of property, in Lot 31 of Block 11, Plat "A", Mantua Survey, a subdivision in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T. 9 N., R. 1 W., S.L.B. & M., in Box Elder County, Utah, for a flood plain and a riparian planting area and appurtenant parts thereof incident to the widening of the existing expressway State Route 91 known as Project No. 0091.

The boundaries of said part of an entire tract are described as follows:

Beginning at the Northwest corner of said Lot 31; and running thence N. 80°50'24" E. 74 ft., more or less, (by record, but 62.55 ft., more or less, by measurement) along the northerly boundary line of said Lot 32 to a point 198.00 ft. perpendicularly distant westerly from the easterly line of said Lot 32; thence S. 6°26'33" W. 150.70 ft. along a line parallel to said easterly line; thence S. 82°26'32" W. 62.09 ft., more or less, to the westerly line of said Lot 31; thence N. 6°26'33" E. 148.90 ft. along said westerly line to the point of beginning. The above described part of an entire tract contains 9,025 square feet in area or 0.207 acre, more or less.

(Note: All bearings in the above description are based upon the Utah State Plane Coordinate System modified.)

AS A COVENANT running with the land in perpetuity, the Owners of said entire tract of property, for themselves and for their heirs, assigns and/or successors, covenant and agree to preserve said flood plain and riparian planting areas as constructed at the expense of the Utah Department of Transportation, upon the above described part of an entire tract, thereafter said Utah Department of Transportation is relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said flood plain and riparian planting areas and appurtenant parts thereof.

Prepared by K.R.H. (ESI) 2/17/93

Typed by dgf 2/19/93

Checked by J.A.O. 2/17/93

Proofread by BCB & RHJ 2/22/93

Reviewed by B.C.B. 2/19/93

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 49

Easement
Bet.Stas. 1795+25 & 1795+87 (CORRECTION INSTRUMENT) Parcel No. 0091:22:EC
Easterly side of highway Box Elder County Project No. NH-0091(2)4

David M. Murphy and Alicia K. Murphy, Grantors,
Mantua Town, a municipal corporation of the State of Utah, Grantee,

a perpetual easement, upon part of an entire tract of property, in Lot 31 of Block 11, Plat "A", Mantua Survey, a subdivision in the NE¼SW¼ of Section 22, T. 9 N., R. 1 W., S.L.B. & M., in Box Elder County, Utah, for a flood plain and a riparian planting area and appurtenant parts thereof incident to the widening of the existing expressway State Route 91 known as Project No. 0091.

The boundaries of said part of an entire tract are described as follows:

Beginning at a point 260 ft. N. 6°26'33" E. along the easterly line of said Lot 31 and 198 ft. N. 85°49'47" W. from the Southeast corner of said Lot 31; and running thence S. 85°49'47" E. 73.39 ft.; thence S. 54°53'08" W. 98.00 ft. to a point 198.00 ft. perpendicularly distant westerly from said easterly line of Lot 31; thence N. 6°26'33" E. 62.10 ft., more or less, along a line parallel to said easterly line to the point of beginning. The above described part of an entire tract contains 2,277 square feet in area or 0.052 acre, more or less.

(Note: All bearings in the above description are based upon the Utah State Plane Coordinate System modified.)

(Note: This instrument is given to correct that certain Easement recorded as Entry No. 55713 in Book 1531 at Page 668 in the office of the Box Elder County Recorder, Utah.)

AS A COVENANT running with the land in perpetuity, the Owners of said entire tract of property, for themselves and for their heirs, assigns and/or successors, covenant and agree to preserve said flood plain and riparian planting area as constructed at the expense of the Utah Department of Transportation, upon the above described part of an entire tract, thereafter said Utah Department of Transportation is relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said flood plain and riparian planting area and appurtenant parts thereof.

Revised by K.R.H. (ESI) 6/07/93
Checked by J.A.O. 6/07/93
Reviewed by B.C.B. 6/07/93

Typed by dgf 6/07/93
Proofread by BCB & RHJ 6/07/93

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right-of-Way, Fourth Floor,
4501 South 2700 West,
Salt Lake City, Utah 84119-5998

EXAMPLE 50

Easement

Davis County

Parcel No. 0193:5:2E
Project No. SP-0193(1)0

As heir to the estate of Emma Gertrude Harris, and pursuant to the ORDER IN DETERMINATION OF HEIRSHIP AND INTEREST IN REAL PROPERTY which was decreed in the Second Judicial District Court of Davis County wherein it was ordered that Delbert J. Harris, Roberta Fronk, Reed S. Harris, Robert J. Harris, Edison G. Harris and Colleen Bowman were entitled to a 1/6 interest each in the 1/4 interest held by Emma Gertrude Harris. AND, also as to a 1/4 interest holders each, Delbert J. Harris, Roberta Fronk and Colleen Bowman, Grantors, hereby GRANT AND CONVEY to the UTAH DEPARTMENT OF TRANSPORTATION, at 4501 South 2700 West, Salt Lake City, Utah 84119, Grantee, for the sum of _____ Dollars, a temporary easement, upon part of an entire tract of property, in the NW1/4NW1/4 of Section 8, T. 4 N., R. 1 W., S.L.B. & M., in Davis County, Utah, for the purpose of constructing thereon an access road and appurtenant parts thereof incident to the improvement of existing highway State Route 193 known as Project No. 0193.

The boundaries of said part of an entire tract are described as follows:

Beginning in the westerly boundary line of said entire tract at a point 100.00 ft. perpendicularly distant southerly from the center line of said project at Engineer Station 86+16.87, said point of beginning is approximately 149.50 ft. south along the section line from the Northwest corner of said Section 8; and running thence S. 89°52' E. 40.00 ft.; thence S. 0°08' W. 20.00 ft.; thence N. 89°52' W. 40.00 ft. to the west line of said Section 8; thence N. 0°08' E. 20.00 ft. to the point of beginning. The above described part of an entire tract contains 800 square feet in area or 0.018 acre, more or less.

(Note: The Basis of Bearing of the above description is the center line of highway bearing S. 89°52' E. conforming to previous highway plans and deeds of record, said center line also bears S. 89°43'13" E. based upon the Utah State Plane Coordinate System modified.)

This easement shall expire upon the completion of the construction of said project or 2 years after the date of the execution of the within instrument, whichever first occurs.

After said access road and appurtenant parts are constructed on the above described part of an entire tract at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said access road and appurtenant parts thereof.

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

Continued on Page 2

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

PAGE 2

Parcel No. 0193:5:2E
Project No. SP-0193(1)0

WITNESS, the hands of said Grantors this _____ day
of _____, A.D. 19__.

Signed in the presence of:

STATE OF)

) ss.

COUNTY OF)

On the date first above written personally appeared before me,

_____,

_____,

the signer_ of the within and foregoing instrument, who duly acknowledge to me
that _he_ executed the same.

Notary Public

SECTION 10-1132 - RIGHT-OF-WAY EXAMPLES

EXAMPLE 51

Relinquishment of Access Rights
(CONTROLLED ACCESS)

Bet.Stas. 1553+43 & 1559+37 (CORPORATION) Parcel No. 89:26:A
Southeasterly side of highway Piute County Project No. *NH-89(17)160

Meadow Knoll Dairy, a Utah Corporation, Grantor, of _____,
County of _____, State of _____, being the owner of an entire tract of
property lying southeasterly of the existing highway State Route 89 known as Project
No. FAP-19-D, situate in the NW1/4SE1/4 of Section 19, T. 30 S., R. 3 W., S.L.B. & M.,
in Piute County, Utah, does hereby RELEASE AND RELINQUISH to the UTAH DEPARTMENT OF
TRANSPORTATION at 4501 South 2700 West, Salt Lake City, Utah, 84119, Grantee, for
the sum of _____ Dollars,
and other good and valuable considerations, for the widening and improvement of said
existing highway, being an expressway known as Project No. 89, any and all rights
of access over and across the Northwesterly boundary line of said entire tract,
which is the southeasterly right of way line of said project. Said entire tract is
described as follows:

Beginning at a point South 2624.0 feet and West 1847.2 feet from the Northeast
Corner of Section 19, Township 30 South, Range 3 West, Salt Lake Base and Meridian
and running thence South 529.2 feet; thence South 73°54' West 845.1 feet; thence
North 282.0 feet; thence North 43°54' East 671.7 feet; thence South 89°50' East
344.8 feet to the point of beginning, containing 6.87 acres.

RESERVING to said Owners, their successors or assigns, access to the nearest roadway
of said highway over and across said southeasterly right of way line through a 60-
foot section or break in said southeasterly right of way line, which section will
abut an existing 33-foot wide right of way along the north said of said Owners land,
said section or break centers at a point directly opposite Highway Engineer Station
1559+70. Said section or break is NOT a private access opening for the sole use of
said Owners, but is designated as a public access opening for public use.

Prepared by J.W.M. 5/18/93
Checked by R.H.J. 12/21/93
Reviewed by B.C.B. 12/21/93

Typed by dgf 12/21/93
Proofread by BCB & RHJ 12/21/93

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

WHEN RECORDED, MAIL TO:
 Utah Department of Transportation
 Right-of-Way, Fourth Floor,
 4501 South 2700 West,
 Salt Lake City, Utah 84119-5998

EXAMPLE 52

Release of Reversionary Clause

(CONTROLLED ACCESS)

Parcel No. 15-6:446:AQ

Utah County

Project No. I-15-6(3)261

The UTAH DEPARTMENT OF TRANSPORTATION, by its duly appointed Chief, Right of Way, Grantor, of Salt Lake City, County of Salt Lake, State of Utah, hereby RELEASES AND RELINQUISHES to _____, Grantee, at _____,

County of _____, State of _____, zip _____, for the sum of _____ Dollars,

and other good and valuable considerations, all those rights in and to that certain restriction for road-use purpose and that certain reversionary clause as cited in that certain Quit Claim Deed recorded as Entry No. 1294 in Book 1712 at Page 23 in the office of the Utah County Recorder, Utah, to-wit:

"The tracts of land described in this deed are to be used for road purposes only.

The Grantee, for itself, its representatives, successors in interest and assigns, as part of the consideration hereof, does hereby covenant and agree as a covenant running with the lands that in the event the Grantee transfers or puts the above described property to a use inconsistent with that for which it is granted, the State shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of its assigns."

The above restriction for road-use and the reversionary clause was linked to the conveyance of four tracts of land, situate in the SW1/4 of Section 16 and the NW1/4 of Section 21, T. 6 S., R. 2 E., S.L.B. & M. from UDOT to Orem City.

IN WITNESS WHEREOF, said UTAH DEPARTMENT OF TRANSPORTATION has caused this instrument to be executed this _____ day of _____, A.D. 19__, by its Chief, Right of Way.

STATE OF U T A H

)

UTAH DEPARTMENT OF TRANSPORTATION

) ss.

COUNTY OF S A L T L A K E

)

By _____
Chief, Right of Way

On the date first above written personally appeared before me, _____, who, being by me duly sworn, did say that he is the Chief, Right of Way, and he further acknowledged to me that said instrument was signed by him in behalf of said UTAH DEPARTMENT OF TRANSPORTATION.

WITNESS my hand and official stamp the date in this certificate first above written.

Notary Public

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10 - 1133:

DESCRIPTION

10-1133.01

INTRODUCTION

The book entitled "**Evidence and Procedures for Boundary Location**" by Brown and Eldridge is very helpful and focuses on all aspects of descriptions.

Over the years UDOT has adopted a style, based on a metes and bounds descriptions as directed by the Attorney Generals Office.

Keep in mind that most of the highway parcels are NOT field surveyed, but the product of intersections where the highway right-of-way lines cross the landowner's boundary lines.

Parcels, parcel distances, and areas are generated in the design stage.

10-1133.02

PARTS OF A DESCRIPTION

Descriptions are divided into four parts: caption, body, qualifying clauses (including reservations), and augmenting clauses.

THE CAPTION recites a general area or locality and directs attention to a general vicinity such as the section, township and range, subdivision, county, or city.

THE BODY pinpoints a particular area in the given locality described in the caption.

THE QUALIFYING CLAUSE takes back part of that given by the body or by the caption.

THE AUGMENTING CLAUSE gives a right of usage of land outside of that conveyed (usually easements).

10-1133.03

CAPTIONS

When starting the caption for a UDOT description, it is very important that the writer know the type of ownership, the amount of interest in the land, or whether one only has a right-of-way across the land. (See Sections 10-1115 and 10-1125)

As explained in Section 10-1115, the ownership is recognized by UDOT as **an entire tract of property**.

Usually, UDOT acquires only a portion of an entire tract of property and such taking is known as a parcel of land.

When acquiring property UDOT takes the title by fee simple, therefore the words "in fee" are very important.

A parcel of land **in fee** for a highway, being part of an entire tract of property, situate in the...

When different parties own the land and each have a separate interest defined, care should be taken in preparing descriptions, such as:

Mr. Brown owns an undivided 1/2 interest, Mr. Gray owns an undivided 1/4 interest, and Mrs. Cook owns an undivided 1/4 interest (all parties have separate deeds of record citing their interest in the land).

Prepare three separate deeds with captions, as follows:

1. An undivided 1/2 interest in a parcel of land in fee for a highway known as Project No. 0091, being part of an entire tract of property...
2. An undivided 1/4 interest in a parcel of land in fee for a highway known as Project No. 0091, being part of an entire tract of property...
3. An undivided 1/4 interest in a parcel of land in fee for a highway known as Project No. 0091, being part of an entire tract of property...

When there are different parties of interest as shown above, the Parcel Numbers are extended. See Subsection 10-1125.04.

When a party only has a right-of-way across the property needed for a highway, use the following caption:

All of the right, title and interest in the ____ meter wide right-of-way across a parcel of land for a highway, situate...

NOTE: Because the party does not hold title, the words "in fee" are not used.

The next part of the caption describes the general location of the parcel of land and references the parcel is to be described.

Example 1.

A parcel of land in fee for a highway known as Project No. 030-1, being part of an entire tract of property, situate in the SE1/4SW1/4 of Section 3, T. 2 S., R. 1 W., S.L.B.& M. The boundaries of said parcel of land are described as follows:

Example 2.

A parcel of land in fee for the widening of the existing highway State Route 165 known as Project No. 0540, being part of an entire tract of property, situate in Lot 8 of Block 19, Millville West Field Survey, a subdivision in the SE1/4SW1/4 of Section 21, T. 11 N., R. 1 E., S.L.B.& M. The boundaries of said parcel of land is described as follows:

10-1133.04

BODY OF THE DESCRIPTION

The body of the description identifies or describes a particular land area within the locality designated by the caption.

The body must completely identify a certain area, otherwise, the conveyance will be void.

The body must contain complete dimensional information that renders the intent of the deed.

For more detailed information refer to Brown and Eldridge.

A deed must stand by itself, therefore the writer must focus on the following items of importance:

1. The point of beginning
2. The beginning ties from the ownership
3. Ties to the highway center line
4. Courses and distances values
5. Use of more or less

6. Calls made to boundary lines
7. Calls running parallel to highway
8. Courses and distances tied to a known point
9. Establishing new points
10. Monuments, physical features, fences
11. The closure of the parcel
12. The calculated area
13. The basis of bearing
14. Rotation values

10-1133.05

COURSES

Make calculations and rotations based on the highway coordinate system. There should be a bearing value of the property and a bearing based on highway for each course.

Use the bearings from the ownership when writing the description.

Show by note, following the description, the rotation value along with the basis of bearing, such as:

(Note: Rotate all bearings in the above description 0°13'35" clockwise to match highway bearings...)

- **BEARINGS** - Use the bearings as calculated to match the ownership bearings.

- **POINT OF CURVATURE** - When the tangent meets a curve:

...; thence N. 47°36'18" E. 186 m to a point of curvature with a 915 m radius curve to the right;

- **CURVES** - When traversing along the arc of a curve:

thence Westerly 81.798 m along the arc of a 541.399 m radius curve to the left (Note: Chord to said curve bears N. 89°06'13" W. for a distance of 80.724 m)

- **SPIRALS** - When the alignment has a spiral, and you are establishing a new right-of-way line, **DO NOT** use a spiral on the right-of-way line, **USE** the calculated chord bearing and distance.

When you are widening the right-of-way and need to describe along an existing spiral arc **from the deed of record**, it is done so in this manner:

...to a point of curve to spiral; thence Westerly 64.730 m (equals 212.23 ft.) along the arc of said spiral concentric with a 220-foot ten-chord spiral for a 3°00 curve to the left (Note: Chord to said spiral bears S. 84°24' W. for a distance of 64.730 m (equals 212.23 ft.) to a point of spiral to tangent...

- **ALONG AND TO** - This helps clarify the intent and meaning and is used in this manner:

thence North 115.903 m along the east line of Lot 4 to the southerly right-of-way line of the existing U.S. Hwy 40;

- **ALONG SEVERAL COURSES** - To describe an existing right-of-way line having many courses follow this example:

...to the southerly right of way line of...; thence along said southerly right of way line the following five (5) courses and distances: (1) S. 89°30' W. 95.652 m; thence (2)..., and so on using all five courses.

10-1133.06

DISTANCES

Use metric values on the right-of-way plans, deed descriptions, easement descriptions, and summaries.

When traversing along a course consistent with the ownership, but current surveys reflect a difference in distance values, show both the distance from the deed of record and the calculated distance, such as:

...; thence N. 89°13'04" E. 201.427 m (by record, but measures 201.862 m);...

10-1133.07

MORE OR LESS

When traversing along a course, and the distance is not certain, but goes to a fixed feature, then use more or less, such as:

...; thence S. 0°15" E. 14.84 meters, more or less, along the easterly boundary line of said entire tract to the northerly right-of-way line of the existing county road;...

10-1133.08

AREA

Show the calculated area of the parcel in the metric value, such as:

The above described parcel of land contains 14 101 square meters.

In urban areas and subdivisions give the area to the nearest **tenth** of a square meter, such as 482.3 square meters.

In calculating the area, if in the description any distance is given as more or less, then the area must be stated as more or less.

The right-of-way map summary area must agree with the description area.

10-1133.09

BASIS OF BEARING

Show the basis of bearing, that the parcel description and center line is compatible to, by note following the description.

On long projects there may be a multiple basis of bearings pending upon the number of found corners and monuments.

10-1133.10

Choose the found corners closest to the parcel (tied to the project) and show the calculated value between the corners.

THE QUALIFYING CLAUSE

The qualifying clause takes back part of that given by the body or by the caption, such as:

Excepting therefrom the easterly 30 m of the above described parcel of land.

10-1133.11

THE AUGMENTING CLAUSE

The augmenting clause gives a right of usage of land outside of that conveyed, usually an easement or right-of-way.

Together with a 7.5 m wide right-of-way of record, and is more particularly described as follows:...

10-1133.12

MEANING OF WORDS

Often errors are made in the following terms:

Together with	= a part of or an addition
Subject to	= a restriction or be aware
Excepting therefrom	= a part not included

10-1133.13

CORRECTION INSTRUMENTS

When a county recorder sends back a deed, due to a minor error or omission, a new deed is prepared with the errors corrected.

Correction Instruments are NOT to be used to alter or change the parcel shape, but are only for minor corrections.

Refer to Section 10-1131 at page 1131-122 (located in separate book), wherein an example is provided showing three required items, along with the corrections.

10-1133.14

POINT OF BEGINNING

Use ties from the Deed of Record.

The parcel description that is being prepared has not yet been surveyed but becomes legal when executed and recorded.

Determine if the boundaries of the description can be located on the ground by survey.

Do not mix highway bearings and property surveyed bearings. Rotate property bearings to highway bearings, make the parcel calculations, then rotate all bearings back to property bearing values for the description.

The following examples illustrating the different ways descriptions can be tied:

- INTERSECTION OF TWO ESTABLISHED LINES:

Example - A

Beginning at the intersection of the southerly boundary line of said entire tract and the easterly limited-access line of said existing expressway, which point is approximately...from the Southwest corner of...; and running thence...

Example - B

Beginning at the intersection of the west line of said Section 24 and the northerly boundary line of said entire tract, which point is...from the Southwest corner of...; and running thence...

- DISTANCE FROM CENTER LINE AT KNOWN STATION:

Example - C

Beginning in the north line of said Lot 6 at a point 24 meters perpendicularly distant westerly from the center line known as the "E" Line of said project at Engineer Station 405+500.00, said point of beginning is approximately 43.315 meters east from the Northwest corner of said Lot 6; and running thence...

(Note: Use Example C when the position of the property lines are located or determined from found monuments with good survey coordination. Then the calculated station value can be of a certainty and not approximate.)

Example - D

Beginning in the north boundary line of said entire tract at a point 24 m perpendicularly distant westerly from the center line of said project at Engineer Station 13+186.39, said point of beginning is 376.438 m south (which equals highway bearing S. 0°16'40" W.) along the west line of said Section 22 and 385.296 m (by record, but 383.631 m by measurement) S. 87°40' E. (equals highway S. 87°23'20" E. by measurement) from the Northwest corner of said Section 22; and running thence...

• IN A LINE WITH TIE FROM CORNER OR MONUMENT:

Example - E

Beginning in the north line of said Section 12 at a point 179.143 m west from the Northeast corner of said Section 12; and running thence...

IN A LINE AT A KNOWN DISTANCE FROM CENTER LINE
BUT STATION IS UNCERTAIN:

Example - F

Beginning in the northerly boundary line of said entire tract at a point 34 m radially distant easterly from the center line of said project, which point is 139.692 m south and 137 m east from the Northwest corner of said Section 23; and running thence...

(Note: Use example F when the position of the property lines are not sure.)

• TYING TO PROPERTY CORNER:

Example - G

Beginning at the Northeast corner of said entire tract (Use same tie values as indicated in the Ownership Record)...

10-1133.15

• TYING TO SUBDIVISION LOT, ETC.

Example - H

Beginning at the Northwest corner of said Lot 3; and running thence...

Example - I

Beginning at the Southwest corner of said entire tract at the Southwest corner of Lot 4; and running thence...

UNDERLYING FEE

Existing Right of Way Fence Line

x-----x-----x----- — — — — x-----x-----x-----x-----

Control Line of Highway

x-----x-----x----- — — — — x-----x-----x-----x-----

Existing Right of Way Fence Line

• DIFFERENT MANNERS IN SECURING RIGHT-OF-WAY

1. Dedication by plat of the layout of city blocks
2. Dedication of recorded residential subdivisions
3. The acquired and recorded Right-of-Way Deed (Easement)
4. By public usage (prescriptive use) for more than 10 years
(the roadway width and the borrows and public utilities)
5. Declared Right-of-Way widths by county or state of record
6. The acquired land in fee (Warranty or Quit Claim Deed)

• RIGHTS OF ACCESS TO THE HIGHWAY

An existing highway acquired by only a Right-of-Way Deed (Easement) or by prescriptive use, the adjoining property owners by law have rights of ingress to or egress from the highway.

The landowner may own to the center of the highway, both sides of the highway, or may just own up to the existing right-of-way line. In any case, **the landowner has abutter's rights to the underlying fee** to the center of the existing highway.

- **CLEARING UNDERLYING FEE (TITLE) TO AN EXISTING RIGHT-OF-WAY FROM THE LANDOWNER:**

There are generally two conditions that affect how the right-of-way may be acquired, depending upon the description of the landowner's property:

The first condition is when the landowner's property is described to the center of the existing highway. (Caution: A check must be made to see if the highway was acquired in fee and the description of the landowner's property has not been updated to exclude the existing right-of-way).

Under this condition when existing highways are widened, the new parcel should describe to the center of the existing highway and to the new R/W, N/A or L/A Lines. The existing area is subtracted from the total area, leaving a net area stated as follows:

The above described parcel of land contains _____ (square meters in area), more or less, of which _____ (square meters in area), more or less is/are now occupied by the existing highway. Balance _____ (square meters in area), more or less.

The second condition is when the landowner's property is described only to the right-of-way line of the existing highway, but the county, city, or UDOT has no title to the highway.

Under this condition the underlying fee of the existing highway **MUST** be cleared by using the following **abutter's rights clause**:

"Together with any and all abutter's rights of underlying fee to the center of existing rights of way appurtenant to this conveyance."

(This clause would appear following citation of encompassed area of taking or after the bearing rotation clause.)

10-1133.16

LEGAL AND AS-OCCUPIED

Plot the legal descriptions as described, along with the required parcel of land for the highway.

When the described parcel of land lies within the boundaries of the deed of record, the description is viewed as a legal take.

When a landowner occupies more land than the legal deed describes, prepare a Quit Claim Deed to clear any interest.

Equitable compensation is to be provided in the as-occupied land along with the Warranty Deed for the legal take area.

Make an extensive study by comparing the description against the descriptions of the adjoining landowners, evaluating senior rights, and comparing against existing fence lines that will reveal the as-occupied areas.

GUIDELINES FOR PREPARING "AS-OCCUPIED" DEEDS:

1. Prepare a Warranty Deed describing the **legal take** area.
2. Prepare a Quit Claim Deed describing both the legal and the "as-occupied" areas required for the highway take.
3. Use a **Reference Number** instead of a parcel number, such as: Reference No. 0091:7.
4. Do not use the term "in fee" in an "as-occupied" taking, only in the legal taking.
5. Use the following language for the caption in the description:

All of the right, title, and interest in a parcel of land for a highway known as Project No. 0050, being part of an entire tract of property **as-occupied**, situate in the...

6. Show the Reference Number on the right-of-way plan sheets. Use an oblong balloon stating:
(REF. NO. 1:A, AS-OCCUPIED) in addition to the regular parcel balloon, example 1:A for the legal.
7. Show (AS-OCCUPIED) in ownership column. Leave the remaining left and right columns blank.

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FEDERAL LANDS (BLM)

10-1135.01

TRANSFER OF PUBLIC DOMAIN LANDS

Projects constructed upon a federal-aid system or projects that are being constructed in whole or in part with federal funds, require the transfer of lands or interest in land owned by the United States to a state highway department or its nominee (a political subdivision of the state).

When rights-of-way, including control of access, are required over lands or interests in lands owned by the United States, the Secretary of Transportation is authorized to make necessary arrangements with the federal agency having jurisdiction over the lands for adequate rights-of-way and control of access from adjoining lands.

10-1135.02

APPLICATION

UDOT files the application for right-of-way, as a source of materials for construction, for maintenance and stockpile sites, and for roadside and landscape development with the Division Engineer of the Federal Highway Administration.

The FHWA Division Engineer transmits the application and supporting papers to the general counsel through the regional Federal Highway Administrator.

Applications will be in accordance with the appropriate regulations in 43 CFR, Part 2800 and will include:

1. Map and description of the area.
2. A list of other sites that may be needed in connection with this action. (Material sites)
3. A statement listing other parties who may be interested in participating in the proposal or who may be affected by it. Also include the names of parties contacted in regard to this application. (Utilities)
4. A statement indicating why this site or alignment was chosen and a list of the location of alternatives that were considered and why they were not chosen.

5. A statement indicating the type of access necessary for both construction and maintenance operations. This may include use of helicopters, off-road vehicles, or conventional equipment.
6. A statement listing all structures inside the proposed right-of-way.
7. A statement of the probable impacts on your operation if the right-of-way is not granted.
8. An analysis of the proposed action and the impact it will have on the environment. This includes construction, operation, and future maintenance.

10-1135.03

TIME ELEMENT

If expeditious action is necessary, complete justification should be included in the state's letter of application. A copy of the application, together with copies of the environmental study reports should be forwarded directly to the local office of the federal agency having jurisdiction of the land involved.

Applications should be filed at least twelve months in advance of invitation to bid to provide ample time for action.

Any occupancy or use of the lands of the United States without authority will subject the person occupying or using the land to prosecution and liability for trespass.

10-1135.04

EASEMENT AND GRANT

- An EASEMENT of the site or corridor is to be issued for the highway construction or other purpose.
- Coordination with the BLM Regional Director is required, wherein the easement will be processed.
- The easement provides for the construction.
- After the completion of construction, a GRANT is issued.

10-1135.05

PUBLIC DOMAIN PREPARATIONS

The Federal Highway Act provides that if the Secretary of Transportation determines that any part of public lands or reservations of the United States is reasonably necessary for **right-of-way** of any highway constructed on the federal-aid primary system, the federal-aid secondary system, and the National System of Interstate and Defense Highways or under Title 23, United States Code, Chapter 2, or as a **source of materials** for the construction or maintenance of any such highway adjacent to such lands or interests in lands, the Secretary of Transportation shall file with the Secretary of the Department supervising the administration of such lands a map showing the portion of such lands which it is desired to appropriate.

If within a period of four months after such filing, the Secretary of such department shall not have certified to the Secretary of Transportation that the proposed appropriation of such land or materials is contrary to the public interest or inconsistent with the purposes for which lands or materials have been reserved or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such lands and materials may be appropriated and transferred to the State Highway Department or its nominee for such purposes and subject to the conditions so specified.

Each application must be accompanied by a map, drawn to a scale of 2000 feet to the inch, except where a larger scale is required to represent properly the details of the proposed developments, in which case the scales should be 1000 feet to the inch or 500 feet to the inch, the map should contain enough detail, and ties to the public land surveys, so the right-of-way can be properly located on the ground by an engineer or land surveyor, and if appropriate, the control of access lines affecting the property. Sectionalizing should be identified and labeled. The area to be transferred shall state the acreage thereon; a description of the lands desired in terms of the public land surveys or by metes and bounds.

Each description shall bear a parcel number, and if available, a deed reference setting forth the source of title to the federal agency exercising supervision and control of lands and the acreage contained within the parcel.

If the project to be constructed requires control of access, the extent of such controls shall be specifically set forth in the application.

The interest transferred under the statute is merely a right-of-way, or right to take materials and the Government may reserve the right to dispose of leasable minerals.

No application under the regulations is required for a right-of-way within the limits of a highway right-of-way granted pursuant to Title 23, United States Code, for facilities usual to a highway, except (a) where terms of the grant provision of law specifically requires the filing of an application for a right-of-way, (b) where the right-of-way is for electric transmission facilities which are designed for operation at a nominal voltage of 33 kV or above, for conversion to such operation or (c) where the right-of-way is for oil or gas pipelines which are part of a pipeline crossing other public lands, or if not part of such a pipeline, which are more than two miles long. When an application is not required under the provisions of this subparagraph, qualified persons may appropriate rights-of-way for such usual highway facilities with the consent of the holder of the highway right-of-way, which holder will be responsible for compliance with terms and conditions set forth in 43 CFR 2801.1-5 Circular 2322, in connection with the construction and maintenance of such facilities.

If at any time the need for lands or materials for such purposes shall **no longer exist**, notice of the fact shall be given by the Utah Department of Transportation to the Secretary of Transportation and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated. The notice in a form suitable for recording shall state the need for the land or materials, for the purposes for which acquired, no longer exists.

Where possible, all title transfer instruments should be recorded in the appropriate land record office.

Regulations under R.S. 2477 permit the taking of right-of-way across unreserved public lands on secondary and state projects, not being constructed with federal funds, without filing maps or descriptions.

Construction and maintenance on these projects is all that is required to establish state claim to the land for public use. However, over Revested and Reconveyed or Reserved Lands, an application should be made in the usual manner. To maintain good relations with the Bureau of Land Management, it may be well to provide a map and description for all highways constructed across public land.

Right-of-way applications do not normally include Sections 2, 16, 32, and 36 which have been set aside as school sections.

Radio, communications (transmitter) sites may be applied for under the Act of March 4, 1911, (36 Stat. 1253; 43 U.S.C. 61). Such sites may be granted for a period not exceeding 50 years and may include poles and lines for communication purposes and for communication transmitting, relay and receiving structures and facilities to the extent of 200 feet (60.96 m) on each side of the centerline of such lines and poles, and not to exceed 400 feet (121.92 m) by 400 feet (121.92 m) for superstructures.

Any application for a right-of-way in excess of 100 feet (30.48 m) in width or for a structure of over 10,000 square feet (929 square meters) must state the reasons why the larger right-of-way is required.

When an application is made for a right-of-way for a site for a communication structure or facility, the location and extent of ground proposed to be occupied by buildings or other structures necessary to be used in connection therewith must be clearly designated on the map and by reference to course and distance from a corner of the public survey.

In addition to being shown in connection with the main drawing, the buildings or other structures must be platted on the map in a separate drawing on a scale sufficiently large to show clearly their dimensions and relative positions. When two or more such proposed structures are to be located near each other, it will be sufficient to give the reference to a corner of the public survey for one of them, provided all the others are connected therewith by course and distance shown on the map. The application must also state the proposed use of each structure, and must show definitely that each one is necessary for a proper use of the rights-of-way.

Forms 3 and 4, Appendix B of 43 CFR 2801.1-5, Circular 2322 "Rights-of-Way on Public Lands for Plant Sites" should be modified to be appropriate to the applicant and the nature of the project as shown in Subsection 10-1135.06

10-1135.06

APPLICATION DESCRIPTIONS

Right-of-way applications must be submitted independent of applications for material, shed and communications sites. Application descriptions should be typewritten.

The application shall state the purpose for which the lands are to be used; shall specify that the applicant agrees that the acquisition if approved will be subject to the terms and conditions of the applicable regulations of the agency making the grant; and shall set forth the federal agency that has control of the property requested.

The state shall commit itself to construction of the highway on, or the removal of material from, the right-of-way requested for transfer within a period not exceeding seven (7) years, following the transfer of the lands to the state.

Each application shall be accompanied by a description of the lands desired in terms of the public land surveys or by metes and bounds. Except where the requirements of the Federal agency concerned provide otherwise, it would be preferred if the description of the lands to be transferred be by metes and bounds. Each description shall bear a serial number, heading, purpose of use, location, parcel number, project number, description, acreage and if the project to be constructed requires control of access, the extent of such control of access, shall be specifically set forth.

10-1135.07

EXAMPLE

Example 10-1135.07.1

Serial No. U-3527 Amended

**AMENDED DESCRIPTION OF RIGHT OF WAY ACROSS
GOVERNMENT LAND FOR AN INTERCHANGE OF A
HIGHWAY KNOWN AS PROJECT NO. NF-34()
(Reference Project No. NR-181())**

Two parcels of land for an interchange of a highway known as Project No. NF-34(). Said parcels of land are land are situate in Tracts "A" and "H" of unsurveyed Sections 4 and 9, T. 1 S., R. 1 E., S.L.B.&M. Said parcels of land are described as follows:

Parcel No. NF-34:7
Project No. NF-34()

Beginning at the intersection of the south right-of-way line of 5th South Street and the east right-of-way line of Guardsman Way, which point is 50 ft. south and 40.71 ft. east from the city monument at the intersection of said 5th South Street and said Guardsman Way, Salt Lake City Survey; thence South 683 ft. along said east right-of-way line of Guardsman Way to the Northwest corner of said Tract "A"; thence East 163.61 ft.; thence N. 15°27'33" E. 282.97 ft.; thence N. 49°40'11" E. 499.74 ft. to the east line of said Tract "H"; thence North 86.85 ft. to said south right-of-way line; thence West 620 ft. along said south right-of-way line to the point of beginning. The above described parcel of land contains 5.686 acres, more or less.

ALSO:

Parcel No. NF-34:8
Project No. NF-34()

Beginning on the east right-of-way line of Guardsman Way at a point 40.17 ft. east and 733 ft. south from the city monument at the intersection of 5th South Street and said Guardsman Way, said point being the Northwest corner of said tract "A"; thence East 163.61 ft.; thence S. 15°27'33" W. 613.81 ft. to said east right-of-way line; thence North 591.60 ft. along said east right-of-way line to the point of beginning. The above described parcel of land contains 1.111 acres, more or less.

Prepared by:
Checked by:
Reviewed by:

Proofread by:
Typed by:

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

10-1135.08

REQUIRED INFORMATION FOR APPLICATION MAP

Each application includes a map showing the survey of the lands desired, and if appropriate, the control of access lines affecting the property with the necessary legend. Include a parcel number on the area to be transferred.

Prepare the Public Domain Map on mylar, conforming to the field notes of the survey for the alignment of the highway, with bearings, stationing at appropriate intervals, and all curve data shown along the center line of the highway. If scale does not permit, list the alignment data on the map with a number corresponding to a like number along the alignment.

Give sufficient information so that the right-of-way may be accurately located on the ground by any engineer or land surveyor.

The map will have a vertical height of 11 inches between trim lines and a horizontal length to properly accommodate all Public Domain land required for the public concerned. The north arrow will point to the top of the map or to the left. Show directional arrows to the nearest town or city at the initial and terminal points of public domain on the map.

Show and label all lot and section numbers, and section township and range lines.

It is unnecessary on the map or notes to show alignment across parcels not in Public Domain, except where such notes or continuation of courses are required for prolongation of right-of-way lines (for instance where the centerline is in patented land, but the right-of-way overlaps Public Domain). Alignments are required to complete ties to section corners or quarter section corners.

Connect the initial and terminal points of the survey accurately by course and distance to the nearest corner of the public-land surveys, unless that corner is more than 6 miles distant in which case the connection will be made to some prominent natural object that can be readily recognized and recovered.

Ascertain and note the station and distance to the point of intersection with a line of the public-land surveys, together with the course and distance along the section line to the nearest existing corner, at a sufficient number of points throughout the township to

permit accurate platting of the relative position of the right-of-way to the public-land survey.

In all cases, give stations on the map where equations occur, where the center line crosses the limits or boundary of a Public Domain parcel, or where it crosses a township or section line. Show distances from the center line to all "found corners" on the map. Approximate distances to calculated corners may be given.

The smallest legal subdivision (40 acre tracts and lots) for all surveyed public land affected by the right-of-way must be shown in its entirety and labeled "U.S."

Show the location and amount of the change in width if the width is not uniform.

Show a statement listing the type of facility (no-access freeway, limited-access expressway, highway), the average width, length (in miles) and parcel numbers with area of each parcel.

Take material sites by 40 acre tracts or by lots. Where highways or roads traverse any portion of a 40 acre tract or lot taken for a material site, the mylar will exclude that portion of the tract or lot occupied by the highway or road.

All Public Domain Maps must include a reference note pertaining to the Federal Halogeton Stipulation that will read as follows: Note: Refer to Utah 037441, October 14, 1959, for Standard Halogeton Stipulations.

Public Domain Application Maps will show an arrow to the point of beginning of each description and will be labeled P.O.B. A distance will be shown from the P.O.B. to the nearest "Found" or calculated section or quarter section corner.

Show all vehicular underpasses, cattle underpasses, and drainage culverts over 48 inches (1.22 m) in diameter with their size, identification, and station listed.

Show all interchanges, frontage roads, and stock trails with their right-of-way.

Dimension and station all changes in width of right-of-way throughout the project.

Provide a standard identification block in the lower right hand corner, allowing approximately 1/2 inch between the block and the trim line of the map.

An Engineer's Statement and Applicant's Certificate as shown in Circular 2322, "Rights-of-Way on the Public Lands" should be modified so as to be appropriate to the applicant, to the act involved, and to the nature of the project as shown below:

10-1135.09

MEMORANDUM OF UNDERSTANDING

- A "Memorandum of Understanding" was signed February 5, 1975, by the former Utah State Road Commission, now known as the Utah Department of Transportation (UDOT) and the Bureau of Land Management (BLM) with the Division Engineer of the Federal Highway Administration concurring, a copy of which follows:

COOPERATIVE AGREEMENT

BETWEEN

BUREAU OF LAND MANAGEMENT

AND

UTAH STATE ROAD COMMISSION (UDOT)

Purpose: This Memorandum of Agreement by and between the UTAH STATE ROAD COMMISSION, hereinafter called the "STATE" (UDOT) and the UTAH STATE DIRECTOR, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, hereinafter called "BLM," sets forth the procedures

for coordinating State Department of Highways' highway location, construction, maintenance, signing, access, and protection and conservation of the environment on national resource lands.

Authority: The Bureau of Land Management is authorized to enter into cooperative agreements by Public Law 86-649, 74 Stat. 506, 43 U.S.C. 1363.

The Utah State Road Commission (UDOT) is authorized to enter into cooperative agreements by 27-12-8(3) U.C.A., 1953 as Amended.

STATE (UDOT) District Engineers and BLM District Managers are encouraged to consult each other and to agree on such matters within their scope of responsibility. Matters which require consideration at a higher level should be referred to the STATE Highway Engineer and the BLM State Director.

PLANNING AND PROGRAMMING

STATE WILL:

1. Through Office of Planning and Programming, submit to BLM a copy of the Annual Program Report. New projects added to the previous year's Program will be indicated. The Annual Program Report will identify the limits of proposed study or construction, where feasible, a small scale map will be included to aid in identifying corridors involving national resource lands.

BLM WILL:

2. Through Planning Coordination Staff, review the Annual Program Report and assess proposed corridors against existing Management Framework Plans and advise STATE within 60 days through Office of Planning and Programming of compatibility with indicated BLM programs for national resource lands.
- If incompatible - BLM will designate a contact with BLM and request a meeting with the STATE to review alternative proposals for resolution of conflicts.
 - If compatible with BLM Management Framework Plans, BLM will so advise the STATE and designate the proper point in BLM for future contact.

STATE WILL:

3. The Office of Planning and Programming will:

(a) Incompatible Projects - Notify appropriate STATE Division of BLM review and comments. Responsible Division will arrange a conference with BLM for further review.

HIGHWAY LOCATION & ENVIRONMENTAL STUDIES

STATE WILL:

1. Through Location and Environmental Studies Division, suggest a desired date for receiving an environmental assessment from BLM on resource impacts and management situations on the national resource lands. This assessment to be used by the STATE in preparation of negative declarations or draft EIS as appropriate. STATE will allow a minimum of 60 days for the environmental assessment from BLM.

BLM WILL:

2. Prepare environmental assessment and submit to STATE.

STATE WILL:

3. Through Location and Environmental Studies Division, notify BLM District Manager of preparation of Negative Declaration or EIS.

STATE WILL:

4. Through Community Relations Division, notify District Manager of date, time, and place of location hearings, public information meetings or opportunity for location hearings.

STATE WILL:

5. Submit a copy of the draft EIS or negative declaration to District Manager 30 days prior to the hearings or meetings.

BLM WILL:

6. Through U.S. Department of Interior EIS review procedures, review and comment on draft EIS within 45 days after receipt.

ROUTE SELECTION

STATE WILL:

1. Through Location and Environmental Studies Division, send District Manager a copy of the location Study Report and/or final EIS submitted to obtain location approval.

BLM WILL:

2. Through District Manager, acknowledge and comment on the information submitted and notify State of desirability of withdrawing highway corridor national resource lands from mineral entry pending issuance of highway right-of-way.

STATE WILL

3. Where desirable, request that BLM withdraw highway corridor national resource lands from mineral entry pending issuance of highway right-of-way.

LOCATION SURVEY

STATE WILL:

1. Through Location and Environmental Studies Engineer, notify BLM before field surveys of approved locations are under.

STATE WILL:

2. Request a joint STATE-BLM resurvey field review of the selected route.

BLM WILL:

3. Through District Manager, participate in the filed review and provide assistance and counsel to the STATE on the environmental protection matters.

BLM WILL:

4. Furnish available data and information on such matters as land corner locations, property line boundaries, maps, access routes, archeological and other information.

BLM WILL:

5. Review requirements and limitations related to clearing survey lines and material source investigations.

PRELIMINARY DESIGN

STATE WILL:

1. Through Project Design Engineer provide BLM two sets of preliminary design plans and the opportunity to the District Manager for a joint field review of the preliminary design.

BLM WILL:

2. Through District Manager, as appropriate attend the joint field review of the preliminary design.

STATE WILL:

3. Through Community Relations Division, notify District Manager of date, time, and place of scheduled design hearings or opportunity for hearings.

BLM STATE:

4. Through District Manager, discuss details of the planned highway work following field review.

BLM WILL:

5. Through District Manager, advise of any recommended changes in the preliminary design.

- | | |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| BLM WILL: | 6. Through District Manager, furnish the advice and assistance on design matters involving national resource lands, such as revegetation of disturbed area. |
| BLM WILL: | 7. Through District Manager, review BLM transportation system and advise STATE on needed exits, entrances and crossings of new route. Review interchange location non-access or limited access routes and make adjustments to BLM transportation system plans accordingly. |
| BLM WILL: | 8. Through District Manager, advise of appropriate arrangements for disposal of forest and woodland products. |
| BLM WILL: | 9. Through District Manager, suggest or designate sites for storage and disposal of clearing and grubbing debris and designate sites for disposal of excess excavation material. |
| BLM WILL: | 10. Through District Manager, provide information on fire seasons, inherent fire hazards, fire prevention and control requirements, and possible use of contractor forces and equipment for fire suppression. |
| BLM WILL: | 11. Through District Manager, provide information on the need for detours for national resource lands traffic, maintenance of BLM roads used for detours during construction, use of BLM roads for work roads, and replacement of BLM facilities and signs. |
| BLM WILL: | 12. Through District Manager, collaborate to determine the extent and type of control needed to minimize dust, noise, air and water pollution, or contamination associated with construction work. |
| STATE WILL: | 13. Location and Environmental Studies Engineer will furnish BLM with a copy of the Design Study Report submitted to obtain design approval. |

FINAL DESIGN

- | | |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| STATE WILL: | 1. Through Project Design Engineer, provide the opportunity to District Manager for a plan-in-hand field review. |
| STATE WILL: | 2. Provide District Manager two sets of the proposed final design and allow a 15-day review period prior to the plan-in-hand field review. |

BLM WILL:

3. Through District Manager, as appropriate, participate in final plan-in-hand field review.

BLM WILL:

4. Advise within 30 days after the plan-in-hand review of any recommended changes in the proposed final design.

HIGHWAY PLANS

STATE WILL:

1. Through the Project Design Engineer provide two sets of the final highway plans and specifications to BLM.

BLM WILL:

2. Through the District Manager, review the proposed highway plans and specifications and acknowledge to the State Highway Engineer that BLM requirements related to BLM needs and impacts on national resource lands have been met.

RIGHTS-OF-WAY

STATE WILL:

1. Provide BLM one original and two copies of the Right-of-Way application and plats, including descriptions; and request the right-of-way through the Regional Federal Highway Administration.

BLM WILL:

2. Process the application for the right-of-way to the STATE or FHWA, as appropriate, under terms and conditions set forth in the right-of-way grant under provisions of 24 U.S.C. 317, 43 C.F.R., Part 2821, by issuance of a highway right-of-way.

STATE WILL:

3. Record the right-of-way grant in the appropriate county records.

Copies of letters on rights-of-way matters submitted to the Federal Highway Administration by either agency will be sent to the other agency.

The grant is limited to use of the described right-of-way for the purpose of construction, operation, and maintenance of a highway in accordance with approved plans and does not include grant of any right for non-highway purposes or facilities.

All minerals under the right-of-way and the right to dispose of them are reserved to BLM. No other use of occupancy of the right-of-way will be made or permitted without joint concurrence of the STATE and BLM.

CONSTRUCTION

- | | |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| BLM WILL: | 1. Through the District Engineer control construction under its contracts to assure work is in accordance with approved plans and agreements. |
| STATE WILL: | 2. Advise the District Manager in writing of award of construction contract and furnish the name and title of his on-the-job representative. |
| STATE WILL: | 3. Through Construction Project Engineer provide opportunity to BLM District Manager to attend Pre-Construction Conference. |
| BLM WILL: | 4. Through the District Manager, consult with District Engineer or his designated representative, on matters pertaining to project construction. |
| STATE WILL: | 5. Through the District Engineer contact the District Manager for agreement prior to starting any work under changed conditions that develop, and prior to or during construction, which alter the land use aspect of approved plans. |
| STATE WILL: | 6. Through the District Manager, issue permits to the STATE for such things as campsite, locations, material storage sites, and mixing sites; after agreement with the designated STATE representative. |
| STATE WILL: | 7. Through the District Engineer, request the District Manager, or his representative, to participate in final project inspections. |
| BLM WILL: | 8. Through the District Manager, participate in final project inspections and make recommendations to the District Engineer on matters related to BLM responsibility for land and resource management. |

MAINTENANCE

- | | |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| STATE WILL: | 1. Through the District Engineer, conduct maintenance operations in a manner which will preserve and enhance scenic, environmental and safety characteristics of the highway facility and its compatibility with adjacent national resource lands and resources. |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

STATE WILL:

2. Coordinate with the District Manager and reach agreement on all maintenance activities which involve additional clearing, slash disposal, disposal of slough material, changes in road drainage patterns, materials source and storage, and similar actions which involve national resource lands.

STATE WILL:

3. Use chemicals in right-of-way clearing only after specific written approval has been given by the Department of Interior Intra-departmental Pesticide Working Group. Application for such approval must be in writing and specify time, method, chemicals and exact portion of the right-of-way to be chemically treated.

BLM WILL:

4. Through the District Manager, review an agreement on maintenance items requiring BLM concurrent.

SIGNING

STATE WILL:

1. Through the District Engineer, install and maintain all traffic control (regulating and warning), guide, information, route designation, and other traffic signing within rights-of-way, including necessary signs at intersection of BLM and other public road intersections.

BLM WILL:

2. Through the District Manager, coordinate and consult with the STATE District Engineer in Planning, installing and maintaining signs of BLM design for identification of, but not limited to, national resource lands boundaries, BLM recreation and administrative sites, including approach signs, trail junctions, historic, archaeological, and other interpretive signs, including naming of natural features and fire prevention signs calling attention to hazardous conditions.
- Location of signs that require a parking area will have advance approval of the District Engineer and District Manager prior to installation.
 - Signs installed or authorized will not include names of commercial establishments, guides and outfitters, or private concerns.
 - Signs shall conform to mounting height, location and lateral placement provisions of the current Manual on Uniform Traffic Control Devices and the AASHO Guide on Highway Design and Operational Practices Related to Highway Safety.

- The District Manager and the District Engineer will meet to review BLM sign needs as required.

ACCESS

- Access to the National System of Interstate and Defense Highways will be by way of established interchanges, and all approaches to State or U.S. Highway will be approved by the District Engineer a "Permit for Encroachment," except as noted below.
- BLM will obtain STATE concurrence for BLM permanent roads which connect within the STATE right-of-way. BLM will stipulate in its permits to others that approval for road construction over national resource lands within the STATE right-of-way is contingent upon approval by the STATE for connection to State and U.S. Highways.
- Permanent new approaches to State and U.S. Highways constructed by BLM or its permittee will be at the expense of BLM or its permittee. Future maintenance of such approaches within the right-of-way will be by and at the expense of the STATE.
- Temporary approaches required by BLM during fire fighting operations or other emergencies may be constructed as necessary without approval by the STATE. Obliteration of such temporary approaches and restoration measures necessary will be at the expense of BLM. The STATE shall be notified when such temporary approaches are installed and when they are removed.
- The District Engineer and District Manager shall jointly review and agree to location design and maintenance of all highway turnouts, widening for viewpoints, historical and interpretive signing, rest areas, drinking fountains, roadside parking for fishing, camera stops, traveler information, and similar sites. Details of agreed actions will be made a matter of record by both parties.

UNAUTHORIZED OCCUPANCY

- Occupancy or use of lands of the United States without authority will subject the person occupying or using the land to prosecution and liability for trespass under authority of 43 C.F.R. 2801.1-4, as published in 38 F.R. 16867, dated June 27, 1973.

COORDINATION MEETINGS

- Representatives of STATE and BLM will meet periodically, at the call of either agency, to review matters of mutual interest.
- No member of, or delegate to, Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement, or to any benefit to arise therefrom, but this provision shall not be considered to extend to this instrument if made with a corporation of its general benefit.
- Nothing in this agreement is intended to abrogate, supplant, or violate the provisions of any applicable laws, executive orders, regulations, agreements, or policies.
- This agreement shall take effect when signed by the authorized representatives of the STATE and BLM.
- Supplemental agreements pertaining to specific, existing, or proposed projects, may be entered into by the STATE and BLM.
- This agreement is renegotiable at the option of either agency and may be terminated by either agency through 30-day written notice to the other.
- Nothing in this agreement shall be construed as obligating either party hereto in the expenditure of funds.

STATE OF UTAH,
DEPARTMENT OF HIGHWAYS (UDOT)

By _____

BUREAU OF LAND MANAGEMENT
U.S. DEPARTMENT OF THE INTERIOR

By _____
UDOT Executive Director, Utah

Date

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10-1136.01

FEDERAL LANDS (FOREST SERVICE)

APPLICATIONS

Applications by the States for rights-of-way across Forest Service lands are filed with the Regional Federal Highway Administrators and division engineers to determine the necessity and to process the applications to the regional forester as provided for under the provisions of the Act of Congress of August 27, 1958, as amended (23 UNITED STATES CODE, Section 107(d)).

A more detailed explanation of the transfer of lands or interests in land owned by the United States to a state highway department or a political subdivision of the State may be found in the article entitled "Application through Federal Highway Administration." See Sections 10-1135.01 and 10-1135.02.

For the state to initiate such an action, an original written application together with the necessary maps and title report is to be prepared, reviewed, and processed.

After final review and conformity review, the Central Office Right-of-Way Engineer is to transmit the application and maps to the Right-of-Way Instrument and Record Unit for processing.

10-1136.02

APPLICATION DESCRIPTIONS

Include the essentials of a good description as discussed in Subsection 10-1133.02 in the body of the description. Metes and bounds descriptions are preferable; however, if the land required for the project is of a uniform width and is extremely long, a center line description may be acceptable.

Based upon the type of right-of-way facility, either interstate, primary, or secondary routes, choose the correct word (FREEWAY, EXPRESSWAY OR HIGHWAY), for the type of project.

Identify each description by a parcel number and project number. Use the title EXHIBIT "A," EXHIBIT "B."

See Examples 10-1136.02.1 (Format #1) and 10-1136.02.2 (Format #2) that will help focus on the required elements of the description:

Example 10-1136.02.1 (Format #1)

FORMAT #1
(Description of Right-of-Way)

Bet. Stas. _____ & _____
_____ side _____ of highway

Parcel No. _____
Project No. _____

EXHIBIT "A"

**DESCRIPTION OF RIGHT-OF-WAY ACROSS FOREST
LAND IN _____ NATIONAL FOREST REQUIRED
FOR A (NO-ACCESS FREEWAY, LIMITED-ACCESS
EXPRESSWAY, HIGHWAY), PROJECT NO. _____
IN _____ COUNTY, UTAH**

A parcel of land for a _____ known as Project No. _____, situate in
_____ of Section __, T. __ __, R. __ __, S.L.B. & M., in _____ County Utah.
The
boundaries of said parcel of land are described as follows:

Beginning . . . (Provide description) . . .

. . . to the point of beginning.

The above described parcel of land contains _____ square meters, more or less.

USE THE FOLLOWING CLAUSE FOR A LIMITED-ACCESS FACILITY:

The above described parcel of land is for a limited-access expressway and is granted without access to or from the remaining properties contiguous to the lands hereby conveyed, except as stipulated on the accompanying map entitled EXHIBIT ____.

USE THE FOLLOWING CLAUSE FOR A NO-ACCESS FACILITY:

The above described parcel of land is for a no-access freeway and is granted without access to or from the remaining properties contiguous to the lands hereby conveyed.

Example 10-1136.02.2 (Format #2)

FORMAT #2
(Description of Easement)

Bet. Stas. _____ & _____
_____ side _____ of highway

Parcel No. _____
Project No. _____

EXHIBIT "A"

DESCRIPTION OF EASEMENT UPON AND ACROSS FOREST
LAND IN _____ NATIONAL FOREST REQUIRED FOR
A (NO-ACCESS FREEWAY, LIMITED-ACCESS EXPRESSWAY,
HIGHWAY), PROJECT NO. _____ IN
_____, COUNTY, UTAH

A _____ easement upon a parcel of land for _____ incident to the construction
of a _____ known as Project No. _____ situate in _____ of Section __,
T. __ __., R. __ __., S.L.B. & M., in _____ County, Utah. The boundaries of said parcel of
land are described as follows:

Beginning . . . (Provide description) . . .

. . . to the point of beginning.

The above described parcel of land contains _____ square meters, more or less.

10-1136.03

APPLICATION MAPS

The Forest Service requests the scale be at 1" = 400'

Display the same information on the map that is contained with the
written description. Also, show survey of the lands desired, parcel
numbers, and area of each parcel.

Show field notes of the survey of the center line, along the center
line of the highway or listed elsewhere and referenced or indexed
by corresponding numbers to the center line. The field notes of the
survey include all bearings, delta angles, radii of curves, and
equations. Also, if the right-of-way requirements vary in width,
show the amount of change and the station where the change
occurs.

Example 10-1136.03.1 (Exhibit "B")

<p>NATIONAL FOREST EXHIBIT "B"</p>	
<p>(PROVIDE NORTH ARROW & S.L.B. & M. DATA)</p> <p>(PAPER SIZE 8½" X 11")</p>	<p>DATE: _____</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p style="text-align: center;">RIGHT-OF-WAY FOR HIGHWAY ACROSS FOREST LAND</p> <p>PROJECT NO.: _____</p> <p>COUNTY: _____</p> <p style="text-align: center;">(NAME OF PROJECT)</p> <p>SCALE: 1"=400'</p> </div>
<p>PARCEL NO. _____</p> <p>RIGHT-OF-WAY _____ AC.</p> <p>PARCEL NO. _____</p> <p>RIGHT-OF-WAY _____ AC.</p>	<p style="text-align: right;">SHEET _____ OF _____</p>

10-1136.04

MEMORANDUM OF UNDERSTANDING

**MEMORANDUM OF UNDERSTANDING ON
PROCEDURES RELATED TO STATE
HIGHWAYS OVER NATIONAL FOREST LANDS**

This memorandum of understanding by and between the STATE OF UTAH, UTAH DEPARTMENT OF TRANSPORTATION, hereinafter called the "STATE", and the REGIONAL FORESTER OF THE INTERMOUNTAIN REGION, UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE, hereinafter called the "FOREST SERVICE", establishes procedures for coordinating the location, construction, maintenance, signing, access, protection and conservation of environment, control of pollution, and other matters related to State Highway use and occupancy of Nation Forest lands.

It is mutually recognized that:

The STATE is responsible for maintaining an adequate and integrated network of State Highways which is essential to the general welfare of the State of Utah and is charged with the safety and benefit of the using public and with the protection of the natural and human environment in highway construction and operations, and

The FOREST SERVICE is charged with the environmental protection and multiple use management of National Forest lands and resources for the use and benefit of the people of the United States, and is vitally interested in the development of a public highway system which will integrate with other Forest transportation facilities and provide access for use and enjoyment of Nation Forest resources, and

Since many public highways traverse National Forest lands, the STATE will need authorization to use such lands for highway rights-of-way, waste areas and material sources for highway construction and maintenance, and

Since many National Forest access, development, and administrative facilities are adjacent to public highways, the FOREST SERVICE will need authorization or concurrence for development of physical improvement as they affect highway administration, and

Insufficient advance coordination and lack of full understanding can result in differences which are often costly and time-consuming to reconcile, and

Nothing in this agreement is to be construed as conflicting with existing laws, regulations, easements, and prescribed responsibilities, and

In recognition of the responsibilities, interests, and limitations set for above, and the mutual benefits of established procedures to facilitate agreement on specific highway matters on Nations Forest lands, the STATE and the FOREST SERVICE mutually agree as follows:

I. Highway Location

A. Planning and Reconnaissance

1. The STATE will:
 - a. Notify the FOREST SERVICE of any planned route reconnaissance studies for highway location involving National Forest Land.

- b. Give the FOREST SERVICE the termini of the planned studies and sufficient information to determine the affected corridors included in the route reconnaissance. A reconnaissance contour or preliminary planning map will be provided.
- c. Suggest a desired date for receiving a preliminary environmental analysis report from the FOREST SERVICE on resource impacts and management situations related to the proposed highway development to be used by the STATE in the preparation of the draft environmental statement. The STATE will allow ample time, depending upon the season and complexity of the project, for the FOREST SERVICE to investigate and complete the report.
- d. Notify the FOREST SERVICE of date, time, and place of corridor location hearing and submit a copy of the draft environmental statement 30 days prior to the hearing.

2. The FOREST SERVICE will:

- a. After receiving sufficient information on the affected corridors, begin field investigation and preparation of a preliminary environmental analysis report. This report, with accompanying map, will be helpful to the STATE in field surveys and will define areas which need advance coordination in planning and design.
- b. Provide comments on draft environmental statement within 45 days after receipt.

B. Route selection

- 1. The STATE will:
 - a. Send the FOREST SERVICE a final environmental statement, information used to make the route selection, and a description of the route selected.
 - b. Discuss with the FOREST SERVICE the desirability of withdrawing highway corridor lands from mineral entry pending issuance of Highway Easement Deed.

- c. Discuss scenic corridor aspects of the proposed route.
2. The FOREST SERVICE will acknowledge and comment on the final environmental statement within 30 days after receipt of same.

C. Location survey

1. The STATE will:
 - a. Provide the Regional Forester with a copy of the State's "Construction Program," as published each year.
 - b. Notify the FOREST SERVICE before field surveys of approved locations are undertaken.
 - c. Request a joint STATE-FOREST SERVICE presurvey field review of the selected route.
2. The FOREST SERVICE will:
 - a. Participate in the field review of the selected route and provide assistance and counsel to the STATE on environmental protection matters.
 - b. Furnish available data and information on such matters as land corner locations, property line boundaries, maps, and access routes.
 - c. Explain FOREST SERVICE organization and regulations pertaining to fire prevention and suppression.
 - d. Review requirements and limitations related to clearing survey lines and material source investigations.

II. Highway Design

A. Preliminary Design

1. The STATE will:
 - a. Provide the FOREST SERVICE two sets of preliminary design plans for In-Service review as soon as available.

- b. Request a joint STATE-FOREST SERVICE field review of the preliminary design.
- c. Request the FOREST SERVICE prepare a final environmental design analysis report. The STATE will allow ample time, depending upon the season and complexity of the project, for the FOREST SERVICE to investigate and complete the report.
- d. Notify the FOREST SERVICE of the date, time, and place of the design hearing.

2. The FOREST SERVICE will:

- a. Concur with the STATE's suggested date, or work out a mutually acceptable date, for completing the final environmental design analysis report and forward the final report to the STATE.
- b. Following the field and In-Service reviews, discuss details of the planned highway work with the STATE, which may involve FOREST SERVICE responsibilities.
- c. Advise the STATE of any recommended changes in preliminary design. Furnish the STATE advice and assistance on design matters involving National Forest interests, such as preservation and restoration of fish and game habitat and food sources likely to be affected by construction and maintaining vegetal cover on disturbed areas.

B. Design Selection

1. The STATE will send the FOREST SERVICE information used to make the design selection and a description of the design selected, for use in preparation of the final environmental analysis report.

C. Final Design

1. The STATE will:
 - a. Notify the FOREST SERVICE of the plan-in-hand field review.

- b. Provide two (2) sets of proposed final designs to the FOREST SERVICE in time to allow a 15-day review period prior to the plan-in-hand field review.

2. The FOREST SERVICE will:

- a. Participate in final field review.
- b. Advise the STATE, within 30 days after the plan-in-hand review, of any recommended changes in the proposed final designs.
- c. Advise the STATE of the appropriate arrangements for disposal of merchantable timber.
- d. Suggest or designate sites for storage and disposal of clearing and grubbing debris and designate sites for disposal of excess excavation material.
- e. Provide information on probable limits of fire season, inherent fire hazards, fire prevention and control requirements, possible use of contractor's forces and equipment for fire suppression to be included in the Fire Protection Plan.
- f. Provide information on the need for detours for National Forest traffic, maintenance of Forest Service roads used for detours during construction, use of Forest Service roads for work roads, replacement of Forest Service facilities and signs. The temporary use of such Forest Service roads will be authorized under special permit.
- g. Collaborate with the STATE to determine the extent and type of control needed to minimize dust, noise, objectionable odors, air and water pollution, or contamination associated with construction work.

III Plan Approval

- a. The STATE will provide two (2) sets of proposed highway plans and specifications.
- b. The FOREST SERVICE will review and approve the highway plans and specifications. Such approval does

not relate to highway engineering functional items, but acknowledges that Forest Service requirements relating to service needs and impacts on National Forest lands have been met. A separate stipulation will be entered into between the Regional Forester and the State Highway Engineer for each project, relative to details of construction not considered to be adequately covered in the final plans and specifications.

- c. After approval of plans and specification and after the separate stipulations have been signed by both parties, the STATE will provide two set of plats including descriptions indicating the proposed right-of-way for needed and request an interim letter of consent, occupancy of proposed right-of-way for highway construction purposes across National Forest lands.

IV Construction

A. The STATE will:

1. Control construction under its contracts to assure work is in accordance with approved plans and agreements.
2. Have the District Engineer advise the Forest Supervisor, in writing, of award of construction contract, and furnish the name and title of his on-the-job representative whom the Forest Supervisor or his designated representative should contact regarding matters related to the construction work.
3. Have the District Engineer contact the Forest Supervisor for agreement prior to starting any work under changed conditions that develop, prior to or during construction, which alter the land use aspect of approved plans.
4. Request Forest Supervisor, or his representative, to participate in final project inspections.

B. The FOREST SERVICE will:

1. Consult only with the District Engineer or his designated representative on matters pertaining to project construction.

2. Issue permits directly to the contractor for burning, campsite locations, and water sources, after agreement with the designated STATE representative. Copies of all permits issued will be furnished to the STATE.
3. Participate in final project inspections and make recommendations to the STATE on matters related to FOREST SERVICE responsibility for land and resource management.

V. Right-of-Way Approval

- A. Upon completion of construction and determination of final right-of-way needs, the STATE will provide six sets of plats including descriptions indication the right-of-way to be conveyed and request the easement through the Regions Federal Highway Administrator. The FOREST SERVICE will agree to the appropriation and transfer of the easement to the STATE under the terms and conditions set forth in a letter-of-consent. The transfer will be under the provision of the Federal highway act of August 27, 1958, by the issuance of a Highway Easement Deed. Copies of letters on right-of-way matters submitted to the Federal Highway Administration by either agency will be sent to the other agency.
- B. The easement granted is limited to use of described right-of-way for the purpose of construction, operation, and maintenance of a highway, in accordance with the approved plans and does not include the grant of any right for non-highway purposes or facilities. No other use or occupancy of the right-of-way will be made or permitted without joint concurrence of the STATE and FOREST SERVICE.
- C. The FOREST SERVICE will authorize occupancy of National Forest lands outside the right-of-way boundaries for highway purposes through the use of Special Use permits. Mineral materials necessary for use in construction or maintenance of the highway will be provided by permit under the authority of 36 C.F.R. 251.4.

VI Maintenance

A. The STATE will:

1. Conduct maintenance operations in a manner which will preserve and enhance scenic, environmental and safety characteristics of the highway facility and its compatibility with adjacent National Forest lands and resources.
2. Require the District Engineer to coordinate with the Forest Supervisor and reach agreement on all maintenance activities which involve additional clearing, slash disposal, disposal of slough material, changes in road drainage patterns, materials source and storage, and similar actions which involve National Forest lands.
3. Use chemicals in right-of-way clearing only after specific written approval has been given by the appropriate Regional Forester. Application for such approval must be in writing and specify the time, methods, chemicals, and exact portion of the right-of-way to be chemically treated.

B. The FOREST SERVICE will:

1. Expedite review and agreement on maintenance items requiring FOREST SERVICE concurrence.
2. Assist STATE maintenance forces with matters related to equipment parking and materials storage, emergency communication needs, materials sources, designation slough and slash material disposal areas and road drainage pattern changes.
3. Advise the STATE of planned FOREST SERVICE activities which may have an impact on highway operation and maintenance.

VII Signing

- A. National System of Interstate and Defense Highways.
All signing within the right-of-way limits on the National System of Interstate and Defense Highways will be installed by the STATE.

B. State and U.S. Numbered Highways on National Forest Land.

1. The STATE will install and maintain all traffic control (regulation and warning), guide, information, route designation, and other traffic signing within rights-of-way, including necessary signs at intersections of Forest Service and other public road intersections.
2. The FOREST SERVICE will coordinate and consult with the STATE District Engineer in the planning, installation, and maintenance of signs of Forest Service design for identification of, but not limited to: National Forest boundaries, Forest Service recreation and administrative sites, including approach signs thereto; trail junctions, historical, archaeological, and other interpretive signs, including the naming of natural features and fire prevention or other signs calling attention to hazardous Forest conditions.

C. General Conditions

1. The location of signs which require a parking area will have advance approval of the STATE and FOREST SERVICE prior to installation.
2. Signs installed or authorized will not include names of commercial establishments, guides and outfitters, or private concerns.
3. Signing shall conform to mounting height, location, and lateral placement provisions of the current Manual on Uniform Traffic Control Devices and the AASHTO Guide on Highway Design and Operational Practices Related to Highway Safety.
4. As needed, the Forest Supervisor and State District Engineer will meet to review FOREST SERVICE sign needs.

VIII Access Control

- A. Access to the National System of Interstate and Defense Highways will be by way of the established interchanges, except as noted in Item E below.

- B. All approaches to State or U.S. Highways will be approved by the STATE under a "Permit for Encroachment", except as noted in item E below.
- C. The FOREST SERVICE will obtain a "Permit for Encroachment" for its permanent roads which connect within the State right-of-way. The FOREST SERVICE will also stipulate in its permits to others that approval for road construction over National Forest land within the State right-of-way is contingent upon approval by the STATE for connections to State and U.S. Highways.
- D. Permanent new approaches to State and U.S. Highways constructed by the FOREST SERVICE or its permittee will be at the expense of the FOREST SERVICE or its permittee. Future maintenance of such approaches within the right-of-way will be by and at the expense of the STATE.
- E. Temporary approaches required by the Forest Service during fire fighting operations or other emergencies may be constructed as necessary without approval by the STATE. Obliteration of such temporary approaches and restoration measures necessary will be at the expense of the FOREST SERVICE. The Highway Department shall be notified when such temporary approaches are installed and when they are removed.
- F. The STATE and the FOREST SERVICE shall jointly review and agree to the location, design and maintenance of all highway turnouts, and widening for view-points, historical and interpretive signing, rest areas, drinking fountains, roadside parking for fishing, camera stops, traveler information, and similar sites. Details of agreed actions will be made a matter of record by both parties.

IX Conclusion

- A. District Engineers and Forest Supervisors are encouraged to consult with each other and to agree on such matters as fall within their scope of responsibility. Matters which require consideration at a higher level should be referred to the State Highway Engineer and the Regional Forester. Correspondence sent to the FOREST

SERVICE should be sent to the appropriate Regional Forester with a copy to the concerned Forest Supervisor.

- B. News releases concerning controversial matters that might affect either or both agencies should be either jointly prepared or reviewed by both parties prior to publication.
- C. This memorandum may be amended or supplemented by mutual agreement between the signers or their successors. This memorandum may be terminated by either party through 30-day written notice to the other.
- D. We have approved the foregoing and agree to accept and abide by the procedures therein:

STATE OF UTAH, DEPARTMENT OF TRANSPORTATION

Date: _____

By: _____
Executive Director

U.S. DEPARTMENT OF AGRICULTURE FOREST SERVICE

Date: _____

By: _____
Regional Forester Intermountain Region

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FEDERAL LANDS (NATIONAL PARKS)

10-1137.01

NATIONAL PARKS AND MONUMENTS

Study all alternate routes in the design of a highway in the area involving national parks or national monuments, in order to keep all unmitigated aesthetic damages to a minimum.

For all studies comply with Title 23, U.S. Code Section 138, and the Department of Transportation Act, Section 4(f). Section 4(f) states:

"The Secretary shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. After the effective date of this Act, the Secretary shall not approve any program or project, which requires the use of any land from a public park, recreation area, wildlife and waterfowl refuge, or historic site unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such part, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

10-1137.02

FEDERAL APPLICATIONS

Prepare application map and description of the parcel to be acquired from the agency involved.

When parcels are in conjunction with other parcels, include the parcels in the right-of-way package. Refer to Sections 10-140 and 10-150.

Use a metes and bounds description of the lands involved, except where the regulations of the federal agency involved provides otherwise. Refer to appropriate Federal Highway Administration regulations for specific details.

Maps for right-of-way applications conform to the regulations of the controlling agency and to appropriate regulations of the Federal Highway Administration.

10-1137.03

REQUIRED ITEMS

- Parcel - Define and calculate area needed for highway purpose
- Parcel Number - Assign a number to the area required. See Subsections 10-1125.06, The Parcel Number and 10-1125.07, Assigning Parcel Numbers
- Description
- Maps
- Summaries
- Process and Reviews - See 10-145, Design Process 08-1
- Complete Right-of-Way Package

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10 - 1138:

INDIAN LANDS

10-1138.01

CODE OF FEDERAL REGULATIONS - 161

Reference is hereby made to the "Code of Federal Regulations," Title 24, Indians, Subchapter ____ Rights-of-Way. Part 161 new, 256 old rights-of-way over Indian Lands (Revised)

10-1138.02

PURPOSE AND SCOPE OF REGULATIONS - 161.2

(a) Except as indicated in paragraph (b) of this section, the regulations in this part prescribe the procedures, terms, and conditions under which right-of-way over and across restricted lands may be granted.

Note: For irrigation right-of-way, see Section 18, 26 Station 1101, as amended, 34 Stat. 375; 43 U.S.C. 946.

(b) The regulations in this part do not cover the granting of right-of-way for primary hydroelectric transmission lines over and across tribal lands.

Applications for such right-of-way must be filed with the Federal Power Commission.

10-1138.03

CONSENT OF LANDOWNERS - 161.3

(a) No right-of-way shall be granted over and across any restricted lands belonging to a tribe, nor shall any permission to survey or to commence construction be issued with respect to any such lands, without the prior written consent of the tribal council.

(b) Except as provided in paragraph (c) of this section, no right-of-way shall be granted over and across any individually owned restricted lands, nor shall any permission to survey or to commence construction be issued with respect to any such lands, without the prior written consent of the owner or owners of such lands and the approval of the Superintendent.

(c) The Superintendent may issue permission to survey or to commence construction with respect to, and he may grant rights-of-way over and across, restricted lands on individual indians without the consent of the individual indian owners when (1) the individual owner of the land or of an interest therein is a minor or a person non compos mentis, and the Superintendent finds that such grant

will cause no substantial injury to the land or the owner, which cannot be adequately compensated for by monetary damages; (2) the land is owned by more than one person, and the owners or owner of a majority of the interests therein consent to the grant; (3) the whereabouts of the owner of the land or an interest therein are unknown, and the owners or owner of any interests therein whose whereabouts are known, or a majority thereof, consent to the grant. Note: Language of this subdivision is taken from 25 U.S.C., 1946 ed., Supp. III, Section 324; (4) the heirs or devisee of a deceased owner of the land or an interest therein have not been determined, and the Superintendent finds that the grant will cause no substantial injury to the land or any owner thereof; (5) the owners of the interests in the land are so numerous that the Superintendent finds it would be impracticable to obtain their consent, and also finds that the grant will cause no substantial injury to the land or any owner thereof;

10-1138.04**PERMISSION TO SURVEY - 161.4**

Anyone desiring to obtain permission to survey a right-of-way upon and across restricted lands must file a written application with the Superintendent.

The application shall adequately describe the proposed project, and it shall be accompanied by the written consent of the landowners as required by 161.3, by satisfactory evidence of the good faith and financial responsibility of the applicant, and by a check or money order of sufficient amount to cover double the estimated damages which may be sustained as a result of the survey.

An application filed by a corporation must be accompanied by proof of corporate existence and of compliance with State Laws entitling the applicant to operate in the State in which the restricted land is situated.

An application filed by an unincorporated partnership or association must be accompanied by a certified copy of the articles of partnership or association, or if there be none, this fact must be stated over the signature of each member of the partnership or association.

If the applicant has previously filed with the department an application accompanied by the evidence herein required, a reference to the date and place of such filing, accompanied by proof of current financial responsibility and good faith, will be sufficient.

Upon receipt of an application made in compliance with the regulation of this part, the Superintendent may grant the applicant written permission to survey.

10-1138.05

PERMISSION TO COMMENCE CONSTRUCTION- 161.5

Subject to the provisions of 161.3, permission to proceed with construction work on a right-of-way, may be granted by the Superintendent at the same time or after permit to survey is issued and before full compliance is made with the regulations in this part, provided the applicant deposits with the Superintendent in advance such amount, in addition to that deposited in accordance with 161.4, as will be sufficient to equal twice the estimate damages which may result from the survey construction, and agrees in writing to comply promptly with the regulations in this part.

The amount of the deposit, if the applicant is an agency of the federal or of a state government, will be a sum to cover only the estimated damages whenever it be shown to the satisfaction of the Superintendent that the funds of the applicant are not available for the deposit of the greater amount.

Each deposit shall be held in a "Special Deposit" account until the actual damages have been determined and the application for the right-of-way has been approved.

10-1138.06

DISPOSITION OF DEPOSIT - 161.6

Except as hereinafter provided, all that part of the deposit required by 161.5 which is not required for the payment of damages due the landowners shall be refunded to the applicant upon satisfactory completion of the project and compliance with the requirements of 161.5.

Whenever by reason of unnecessary delay or otherwise the applicant fails to show good faith or to exercise due diligence in complying with the regulations of this part, the Superintendent shall, after giving the applicant fifteen days written notice to show cause why the construction permit should not be rescinded and the application for right-of-way rejected, submit a full report on the matter to the Area Director.

If, to the satisfaction of the Area Director, it appears that the applicant has failed to show good faith or to exercise due diligence

in complying with the law and regulations of this part, the Area Director may rescind the construction permit and reject the application, and notify the applicant of such action and that the entire amount of the applicant's deposit will be paid to the interested indians as liquidated damages, after 30 days from the receipt of such notice unless the applicant files a written notice of appeal from such action pursuant to 161.31, in which event the deposit shall be held pending the final determination of the appeal.

10-1138.07

APPLICATION FOR RIGHT-OF-WAY 161.7

After a survey has been authorized and completed, formal application, in duplicate, for the right-of-way, if desired, shall be filed promptly with the Superintendent. The application shall cite the statute or statutes under which it is filed and the width and length of the desired right-of-way, and shall be accompanied by a duly executed stipulation expressly agreeing to the following:

- (a) To construct and maintain the right-of-way in a workmanlike manner.
- (b) To pay promptly all damages, in addition to the deposit made pursuant to 161.5, determined by the Superintendent to be due the landowners on account of the construction and maintenance of the right-of-way.
- (c) To indemnify the landowners against any liability for damages to life or property arising from the occupancy or use of the lands by the applicant.
- (d) To restore the lands as nearly as may be possible to their original condition upon the completion of construction.

That the applicant will not interfere with the use of lands by or under authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way was granted.

10-1138.08

MAPS - 161.8

- (a) Each application for a right-of-way must be accompanied by a map of definite location on linen tracing (mylars) in duplicate, and four blueprint (or other type) copies thereof.

Three linen tracings (mylars) shall be filed if the applicant desires the return of a linen tracing (mylar) showing the approved right-of-way.

The field notes shall accompany the application, as provided for in 161.9.

The width of the right-of-way shall be clearly shown on the linen tracing (mylars).

(b) A separate map shall be filed for each section of 20 miles of right-of-way, but the map of the last section may include any excess of 10 miles or less.

(c) The scale of maps showing the line of route normally should be 2,000 feet to an inch (1:2000 in metric value).

The maps may, however, be drawn to a larger scale when necessary and when an increase in scale cannot be avoided through the use of separate field notes, but the scale must not be increased to such extent as to make the maps too cumbersome for convenient handling and filing

(d) The map shall show the name of the allottee and the allotment number of each tract of allotted land, and shall clearly designate each tract of tribal land affected, together with the sections, townships, and ranges in which the lands crossed by the right-of-way are situated.

10-1138.09

FIELD NOTES - 161.9

Field notes of the survey shall appear along the line indicating the right-of-way on the map, unless the map would be too crowded to be legible. The field notes may be filed separately on linen tracing (mylars) in a form that may be folded for filing.

Where field notes are placed on separate linen tracing (mylars), place on the map only a sufficient number of station numbers to make it convenient to follow the field notes. The field notes shall be typewritten.

Whether endorsed on the map or filed separately, the field notes shall be sufficiently complete to permit the line indicating the right-of-way to be readily retraced on the ground from the notes.

Field notes will show whether the line was run on true or magnetic bearings, and in the latter case, the variation of the needle and date of determination.

One or more bearings (or angular connected with public survey lines) must be given. The 10-mile sections must be indicated and numbered on all lines of road submitted.

10-1138.10

PUBLIC SURVEY - 161.10

(a) Fix the terminal of the line of route by reference of course and distance to the nearest existing corner of the public survey.

The map, as well as the Engineer's Affidavit and the Certificate, shall show these connections.

(b) When either terminal of the line of route is upon unsurveyed land it must be connected by traverse with an established corner of the public survey, if not more than 6 miles distant from it, and the single bearing and distance from the terminal point to the corner computed and noted on the map, in the Engineer's Affidavit, and in the Certificate.

Give all notes and data for the computation of the traverse.

10-1138.11

CONNECTION WITH NATURAL OBJECTS - 161.11

When the distance to an established corner of the public survey is more than 6 miles, this connection will be made with a natural object or a permanent monument which can be readily found and recognized, and which will fix and perpetuate the position of the terminal point.

The map must show the position of such mark, and course and distance to the terminus.

There must be given an accurate description of the mark and full data concerning the traverse, and the Engineer's Affidavit and the Certificate on the map must state the connection.

10-1138.12

TOWNSHIP AND SECTION LINES - 161.12

Whenever the line of survey crosses a township or section line of the public survey, the distance to the nearest existing corner shall be noted.

The map shall show these distances and the station numbers at the points of intersection.

The field notes shall show these distances and station numbers.

10-1138.13

AFFIDAVIT AND CERTIFICATE - 161.13

There shall be subscribed on the map of definite location an affidavit executed by the Engineer who made the survey and a Certificate executed by the applicant, both certifying to the accuracy of the survey and map and both designating by terminal and length, in miles and decimals, the line of route for which the right-of-way application is made.

10-1138.14

ACTION ON APPLICATION - 161.16

Upon satisfactory compliance with the regulation in this part, the Superintendent is authorized to approve the application by endorsing his approval on the map on definite location.

Upon approval of the application, the Superintendent shall notify the applicant, and thereafter the applicant may proceed with the construction, if permission has not been obtained under 161.5.

One copy of the approved linen tracing (mylar) of the right-of-way map bearing the written signature of the Superintendent shall be transmitted to the Commissioner.

One linen tracing (mylar) and one blueprint copy of the map of definite location shall be filed with the Bureau of Land Management, except when right-of-way across lands in Oklahoma.

One linen tracing (mylar) of the map of definite location of the right-of-way lands in Oklahoma shall be forwarded to the Bureau of Land Management, except that in the case of a right-of-way traversing lands in the Osage or the Five Civilized Tribes Reservation no copy of the map of definite location shall be furnished to the Bureau of Land Management.

One copy of the linen tracing (mylar) shall be forwarded to the applicant if, and only if, three linen tracings (mylars) were filed as provided in 161.8.

10-1138.15

TENURE OF APPROVED RIGHT-OF-WAY GRANTS - 161.19

All right-of-way granted under the regulations in this part shall be in the nature of easements or permits for as stated therein.

They are terminable upon abandonment or discontinuance of the use for which granted.

Right-of-way for railroads, telephone lines, telegraph lines, and public highways shall be without limitation as to term of years.

Right-of-way for oil or gas pipe lines, and for telephone, telegraph, and water lines incident to the operation of oil and gas pipe lines, shall be limited to 20 years and shall be subject to renewal for a like term upon compliance with the applicable regulations.

Rights-of-way for all other purposes shall be for a period of not to exceed 50 years, as fixed by the Superintendent and stated in the grant, and shall be subject to renewal for a like term upon compliance with the applicable regulations.

10-1138.16

RENEWAL OF RIGHT-OF-WAY GRANTS - 161.20

On or before the termination date of any right-of-way heretofore or hereafter granted for a limited term of years, an application may be submitted for a renewal of the grant.

If the renewal involves no change in the location or status of the original right-of-way grant, the applicant may file with his application a certificate under oath setting out this fact, and the Superintendent, with the consent of the indians, may extend the grant for a like term of years, upon the payment of compensation in the amount fixed and determined by the Superintendent.

If any change in the size, type, or location of right-of-way is involved, the application for renewal shall be treated and handled as in the case of an original application for a right-of-way.

10-1138.17

CONDEMNATION SUITE INVOLVING INDIVIDUALLY OWNED RESTRICTED LANDS - 161.22

The facts relating to any condemnation action to obtain a right-of-way upon individually owned restricted land shall be reported immediately by the Superintendent to the Area Director and the Commissioner, in order that appropriate action may be taken to safeguard the interests of the indians.

10-1138.18

PUBLIC HIGHWAYS - 161.28

(a) The appropriate State or local authorities may apply under the regulations in this part for authority to open public highways across restricted lands in accordance with State Laws.

(b) In lieu of making application under the regulation in this part the appropriate state or local authorities in Nebraska or Montana may, upon compliance with the requirements of the act of March 4, 1915 (38 Stat. 1188), lay out and open public highways in accordance with the respective laws of those states. Under the provision of the act, the applicant must serve the Superintendent with notice of intention to open the proposed road and must submit a linen tracing (Mylar) of a map of definite location showing the width of the proposed road for the approval of the Superintendent prior to the laying out and opening of the road.

(c) Applications for public highway rights-of-way over and across roadless and wild acres shall be considered in accordance with the regulations contained in Part 281 of this chapter.

(See 4, 31 Stat. 1084, 38 Stat. 1166, Secs. 1-5, 62 Stat. 17, 18; 25 U.S.C. 311, 323-327)

Procedure relative to a proposed highway right-of-way across Indian Lands.

In order to have a proposed right-of-way considered for approval, the following papers must be submitted to the office of the agency in charge of such lands: (Usually the Supt. of the agency will handle these matters.)

1. The application for right-of-way desired, (in accordance with form 5-104, U.S. Department of the Interior, Office of Indian Affairs) properly signed and executed by the Director of Highways. Show purpose and necessity and including as per paragraph C.F.R. part 161.7 a, b, c, d, and 8 c, e.
2. A map of the definite location, in triplicate, drawn on tracing linen (mylar) and including field notes of survey.
3. Three prints of the above map.

4. Statement of owners (on form 5-104 b) showing the agency in charge, allotment no., the name of allottee, and description of land owned. Show easement and/or right-of-way needed.

Under the line, on payment of cash damages, \$ _____ add (not to be less than the Bureau of Indian Affairs appraisal). Under other terms or comments: List all instruments required such as right-of-way descriptions, easements, appraisals, partial assignment of lease.

Show Parcel No. and if more than one instrument, show same as 015-3:8:E or 015-3:3:R as an example.

Right-of-way description. The description will be written in form with all deed descriptions showing the grantor as John Doe - Indian with Allotment No.

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10 - 1139:

CLAUSES FOR RIGHT-OF-WAY

10-1139.01

CONTROL OF ACCESS CLAUSE, CONDEMNATIONS

Insert the following clause in condemnation resolutions for controlled access projects, when previous access is being taken away, or substituted through frontage roads or access roads.

Together with any and all rights appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said (freeway/expressway), including, without limiting the foregoing, all rights of ingress to or egress from said remaining portion, contiguous to the lands thereby conveyed, to or from said (freeway/expressway).

10-1139.02

CONTROL OF ACCESS CLAUSE, EXCEPTING, CONDEMNATIONS

Insert the following clause in condemnation resolutions for new alignments of controlled or partially controlled access facilities, where no road previously existed, and where no direct access/access openings to the facility will be granted.

Together with any and all rights appurtenant to the remaining portion of said entire tract of property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said remaining portion contiguous to the lands hereby conveyed, to or from said highway; EXCEPTING and reserving to said Owners of the abutting lands, their successors or assigns, the right of access to the nearest roadway of said highway over and across the (direction) _____ right of way line for a (width) _____ section, which said section centers at a point directly opposite Highway Engineer Station _____.

10-1139.03

BEARING RELATIONSHIP CLAUSE NO. 1

Insert the following clause after each description, when **property bearings** are used to calculate highway bearings.

(Note: Rotate all bearings in the above description (clockwise, counterclockwise) to match highway bearings. All bearings in the above description are based upon the Utah State Plane Coordinate System Modified.)

10-1139.04

BEARING RELATIONSHIP CLAUSE NO. 2

Insert the following clause after each description, when **highway bearings** are used to calculate property bearings.

(Note: Rotate all bearings in the above description (clockwise, counterclockwise) to match property bearings. All bearings in the above description are based upon the Utah State Plane Coordinate System Modified.)

10-1139.05

CORRECTION INSTRUMENT CLAUSE

When an executed and recorded instrument has an error, making the instrument erroneous, execute a corrected instrument. Insert the following clause after the description of the corrected instrument. Giving the reason for the correction instrument is optional.

(NOTE: This instrument is given to correct that certain (Warranty Deed, Quit Claim Deed, Easement, etc.) recorded as Entry No. _____, in Book _____, at Page _____, in the office of the _____ County Recorder.)

10-1139.06

ABUTTER'S UNDERLYING FEE CLAUSE

Insert the following clause after the description. The intent is to acquire the land by fee simple and to obtain all rights and interest from the grantor for lands claimed by prescription.

Together with any and all abutter's rights of underlying fee to the center of the existing right-of-way appurtenant to this conveyance.

10-1139.07

MINERAL CLAUSE

Insert the following clause after the description of an instrument to reserve certain mineral rights by the grantor.

The grantor hereby reserves all gas, oil, and mineral rights and agrees not to extract said gas, oil, or minerals from the surface of the above described tract, and the grantor further agrees not to interfere with the use of said tract for highway purposes or purposes incidental thereto.

10-1139.08

PUBLIC DOMAIN CONTROL ACCESS CLAUSE

Insert the following clause after the description of an instrument acquiring land for a controlled access facility from Public Domain lands (BLM) to obtain all access rights from the grantor contiguous to the facility.

The above described parcel of land is for a (limited-access/no-access) (expressway/freeway and is granted without access to or from the remaining property(ies) contiguous to the lands hereby conveyed, except at such points designated by highway authority.

10-1139.09

NONDISCRIMINATION CLAUSE

Insert the following two clauses after the description of an instrument used to dispose of surplus property, that was acquired with federal participation, but no longer needed for highway purposes.

The Grantee, for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land, that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this deed for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the Grantee shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the State of Utah shall have the right to reenter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Utah and its assigns.

10-1139.10

WETLAND CLAUSE

Insert the following clause after the description of an instrument, a covenant running with the land to preserve the a wetland facility.

AS A COVENANT running with the land in perpetuity, the Utah Department of Transportation as the new owners of said tract of land, for themselves and for their assigns and/or successors, covenant and agree to preserve said wetland facility and its appurtenant parts upon the hereinabove described tract of land in the condition as constructed and as required by the U.S. Army Corp of Engineers after said wetland facility is constructed and accepted by said Corp of Engineers upon the above described tract of land at the expense of said Utah Department of Transportation.

10-1139.11

OCCUPIED AREA OF LAND CLAUSE

Insert the following clause after the description of an instrument, used in **special cases** where the landowner occupies within a dedicated right-of-way, but is less costly to pay the landowner than going through condemnation proceedings on small parcels.

TOGETHER WITH the occupied area of land within said existing 1.50 chain wide dedicated county road right of way containing _____ square meters, more or less.

10-1139.12

CONTROL OF ACCESS CLAUSE, FOR DEEDS

Insert the following clause after the description of an instrument, used on controlled access projects, full control.

To enable the Utah Department of Transportation to construct and maintain a public highway as a freeway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway.

10-1139.13

CONTROL OF ACCESS CLAUSE, EXCEPTING, FOR DEEDS

Where access openings are to be provided, insert the following clause after the description of an instrument used on controlled access projects, expressways.

To enable the Utah Department of Transportation to construct and maintain a public highway as an expressway, as contemplated by Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway; **EXCEPTING** and reserving to said Owners, their successors or assigns, the right of access to the nearest roadway of said highway over and across the southwesterly right of way line for One _____ section, which section centers at a point directly opposite Highway Engineer Station ____.

10-1139.14

HOLD HARMLESS CLAUSE

Insert the following clause after the description of an instrument that releases and will hold UDOT harmless from the results of all hazardous materials located on the property.

The Grantors agree to defend, indemnify and hold harmless the Utah Department of Transportation ("UDOT"), the State of Utah ("STATE"), and any and all employees, agents, contractors and officials of said "UDOT" and/or said "STATE" against any and all damages, claims, liabilities, losses, penalties, fines or expenses, including attorney's fees and litigation costs; all related to the presence, disposal, release or clean-up of any contaminants, hazardous materials or pollutants located on, over, under, from or affecting the property described in the within instrument. The indemnity set forth herein shall apply to all conditions existing on or before the date title to said property is transferred by the within instrument.

10-1139.15

GRANT WITHOUT ACCESS CLAUSE

Insert the following clause after the description of the instrument, when the Utah Department of Transportation disposes of surplus property adjacent to a freeway or a controlled access highway, by means of a Quit Claim Deed, to restrict access over certain designated property lines.

The above described parcel of land is granted without access to or from the adjoining (freeway/expressway) over and across the (direction) _____ boundary line of the above described parcel.

10-1139.16

RESERVING PERPETUAL EASEMENT

Insert the following clause after the description of the instrument, reserving a perpetual easement for an easement facility and access.

RESERVING to the grantor a perpetual easement for the purpose of maintaining, repairing and replacing thereon a culinary water line and a sewer line and appurtenant parts thereof and for the maintenance of an existing irrigation facility and appurtenant parts thereof. Together with the necessary access over and across the above described parcel of land necessary for said maintenance, which access shall be to or from the existing (freeway/expressway) only.

10-1139.17

EASEMENT RELEASE OF LIABILITY CLAUSE

Insert the following clause after the description of an easement, usually the last clause placed on document, releasing UDOT from any claims after the construction.

After said drainage facility is constructed on the above described part of an entire tract at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said drainage facility and appurtenant parts thereof.

10-1139.18

SLOPE PROTECTION CLAUSE

Insert the following clause after the description in perpetual easements, with the purpose of protecting the slopes of the highway.

It is agreed hereby, that the Owners, by consent of the Utah Department of Transportation, shall have the right to lessen but not to increase the vertical distance or grade of said cut and/or fill slopes, after said slopes are constructed on the above described lands at the expense of said Utah Department of Transportation, thereafter said Utah Department of Transportation is relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said slopes and appurtenant parts thereof.

10-1139.19

EXPIRATION CLAUSE

Insert the following clause after the description in temporary easements only. (Provide 2, 3, or 5 years for time period)

This easement shall expire upon the completion of the construction of said project or ___ years after the date of the execution of the within instrument, whichever first occurs.

10-1139.20

TEMPORARY EASEMENT RIDER CLAUSE

Insert the following clause after the perpetual easement description when both perpetual and temporary easements are required. The clause is a description and defines the date of expiration.

ALSO:

A temporary easement to facilitate the construction of said irrigation facility and appurtenant parts thereof, being upon a strip of land ___ m wide and adjoining southerly the southerly side line of the above described part of an entire tract of property. Said strip of land contains _____ square meters in area, more or less.

The hereinabove temporary easement shall expire upon the completion of the construction of said irrigation facility, or ___ years after the date of the execution of the within instrument, whichever first occurs.

10-1139.21

JUNKYARD CLAUSE

Insert the following clause after the description of an instrument, conveying surplus property of the Utah Department of Transportation, restricting the new landowner's use of the property.

Together with and subject to any and all easements, rights-of-way and restrictions appearing of record or enforceable in law and equity.

Junkyards, as defined in 23 United States Code, Section 136, shall not be established or maintained on this tract.

10-1139.22

RIGHT-OF-ENTRY AGREEMENT CLAUSE

Insert the following clause after the description of an instrument, that relates to the permission to enter upon and take possession of the grantor's land.

It is understood and agreed that this permission is granted without prejudice to any rights of the undersigned, pending a settlement being arrived at as to the amount of compensation to be paid the Grantors for the said parcel of right of way and with the further understanding that if a satisfactory settlement cannot be agreed upon, the Department of Transportation will, upon notice from the undersigned that the amount of compensation offered is not acceptable, proceed at once to commence and diligently prosecute a condemnation proceeding in the appropriate court for the judicial determination of such compensation.

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10 - 1140:

RAILROADS

10-1140.01

RAILROAD RIGHT-OF-WAYS

Determine how the highway construction will affect the railroad.

An agreement is required between the railroad company and UDOT on all work performed on railroad rights-of-way.

The UDOT Engineering Coordinator for Utilities and Railroads prepares and makes an agreement with the Railroad Company.

10-1140.02

COORDINATION WITH ENGINEERING COORDINATOR FOR UTILITIES AND RAILROADS

Region Right-of-Way Engineer contacts the Engineering Coordinator for Utilities and Railroads **early in the development** of right-of-way, and coordination is done before contacting the railroad companies to discuss what right-of-way will be needed for highway purposes and any other problems.

Know type or method of ownership of railroad properties, since railroad company properties are generally held by a railroad holding company. In the case of UPRR it is "Upland Industries."

Check with the Engineering Coordinator for Utilities and Railroads for current methods of tying milepost.

The Region Right-of-Way Engineer prepares a description and highway right-of-way maps, that becomes an exhibit to the agreement, of that portion of the railroad company's property needed for highway purposes.

Provide descriptions and maps to the Engineering Coordinator for Utilities and Railroads. Because of the time element involved, this process should be completed as **soon as possible**.

The Engineering Coordinator for Utilities and Railroads obtains advanced review from the railroad company. Any modifications will then be returned to the Region Right-of-Way Engineer for final review before the final transmittal.

Prepare descriptions when the highway will be crossing railroad's operating right-of-way and/or railroad property that is contiguous to the operating right-of-way.

When the railroad property is large (1/4 Section or more) or is not contiguous to the railroads operating right-of-way, prepare and send a Quit Claim Deed through the acquisition department to acquire the property.

10-1140.03

CHECK LEASE FILES

IMPORTANT! Before preparing descriptions for a railroad agreement where there is existing highway right-of-way, **always** check the lease file to ensure that the new description does not overlap any previously granted agreements.

If there is an overlap, the heading of the new description should refer to all previous agreements by the agreement number, project number, date, or previous agreement reference.

10-1140.04

DESCRIPTION FOR AGREEMENT

There are seven situations where the highways become involved with railroads that require coordination with the Engineering Coordinator for Utilities and Railroads. They are:

1. Where the highway overpasses or underpasses the railroad
2. Where the highway crosses the railroad at grade and right-of-way is needed
3. Where the highway runs along the railroad and part of the railroad right-of-way is required
4. Where the highway crosses railroad property
5. Where construction easements are needed
6. Where construction crossings are needed
7. Where slope easements are needed

The UDOT Region Right-of-Way Engineer prepares and supplies the Engineering Coordinator for Utilities and Railroads with a description of the required right-of-way.

10-1140.05

THE DESCRIPTION

The description should be short, clear, and complete.

Avoid lengthy or repetitious wording.

Prepare railroad descriptions on plain paper.

The descriptions must be such that the Railroad Company Engineer can check and plot the ties and description on the railroad company's maps and drawings.

The description must be tied to the railroad's mile posts and stations.

The description must be tied to the highway center line.

Equations are to be provided, such as:

Railroad mile post 926.26 = R.R. Engineer Station
96341+96.3 = Highway Engineer Station 6+673.50
R.R. Bearing N. 78°12' E. = HWY. Bearing N. 77°58' E.

10-1140.06

CONTROL OF ACCESS IN DESCRIPTIONS

For fee deeds, easements, grants, or descriptions on controlled access projects, the following are examples of control of access clauses that can be used:

This conveyance is made for the purpose of constructing a structure and appurtenant parts thereof to overpass said Railroad incident to the construction of a freeway known as Project No. _____ and the Grantor hereby releases and relinquishes to the Grantee any and all abutters rights of access, appurtenant to the Grantor's property, to or from said freeway.

The above described parcel of land is granted without access to or from the adjoining freeway over and across the _____ boundary line of said parcel of land.

10-1140.07

HEADINGS FOR DESCRIPTIONS

The headings of the descriptions for the railroad agreements should be similar to the following:

THAT PORTION OF THE (RAILROAD COMPANY) (MAIN LINE, BRANCH LINE, SPUR) RIGHT-OF-WAY REQUIRED FOR THE (CONSTRUCTION, WIDENING) OF A/AN (OVERPASS, UNDERPASS, GRADE CROSSING) INCIDENT TO THE CONSTRUCTION OF A HIGHWAY KNOWN AS PROJECT NO. _____. THIS DESCRIPTION COVERS (A PORTION OF, ALL OF) THE (RAILROAD COMPANY) PROPERTY REFERRED TO IN THAT PREVIOUS AGREEMENT DATED _____ WITH REFERENCE NO. _____.

OR

DESCRIPTION OF THAT PORTION OF THE (RAILROAD COMPANY) PROPERTY OVER WHICH RIGHTS ARE TO BE GRANTED TO THE UTAH DEPARTMENT OF TRANSPORTATION FOR A/AN (OVERPASS, UNDERPASS, GRADE CROSSING). THIS DESCRIPTION COVERS (A PORTION OF, ALL OF) THE (RAILROAD COMPANY) PROPERTY REFERRED TO IN THAT PREVIOUS AGREEMENT DATED _____.

10-1140.08

NAMES OF RAILROAD COMPANIES

A. UNION PACIFIC RAILROADS (UPRR)

- Los Angeles and Salt Lake Railroad, Lessee
- Oregon Shortline Railroad, UPRR Lessee
- Ogden Union Railway and Depot Company
- Western Pacific Railroad Company (WPRR)

B. SOUTHERN PACIFIC TRANSPORTATION COMPANY (SPRR)

- Denver and Rio Grande Western Railroad Company (D & RGWRR)
- Utah Railway Company (Utah Coal Route)
- Salt Lake Union Railway Depot Company

- Central Pacific (abandoned)
- Ogden Union Railway & Depot Company (an affiliate)
- Utah Central Railroad

C. SALT LAKE GARFIELD AND WESTERN RAILWAY COMPANY (SLG & WRR)

D. UTA - LIGHT RAIL

- Salt Lake City Southern

10-1140.09

EXAMPLES

See Examples 10-1140.09.1 through 10-1140.09.5 for format and style.

Example 10-1140.09.1 (UNION PACIFIC RAILROAD)

Bet. Stas. 953+35 & 954+53
Both sides of Southbound Lanes

Parcel No. 215-9:1F:AX
Project No. I-215-9(6)297

**DESCRIPTION OF THAT PORTION OF UNION PACIFIC RAILROAD
COMPANY RIGHT-OF-WAY REQUIRED FOR THE CONSTRUCTION
OF A HIGHWAY OVERPASS INCIDENT TO THE CONSTRUCTION
OF A FREEWAY KNOWN AS PROJECT No. I-215-9(6)297.**

A parcel of land being part of an entire tract of property, situate in the SW1/4NE1/4 and the NW1/4SE1/4 of Section 11, T. 1 N., R. 1 W., S.L.B. & M. in Salt Lake County, Utah. The boundaries of said parcel of land are described as follows:

Beginning at a point in the westerly right of way line of said Union Pacific Railroad Company, 50.0 ft. perpendicularly distant westerly from the center line of the westbound main track of said railroad at Railroad Engineer Station 167+59.1 which equals Mile Post No. 31.689, said point being 107.8 ft. radially distant southerly from the northbound traffic lanes of said project at Highway Engineer Station 952+64.4, said point also being approximately 235 ft. south and 466 ft. east from the Northwest corner of said NW1/4SE1/4; thence Northerly 440.7 ft. along said westerly right of way line to a point 50 ft. perpendicularly distant westerly from the center line of said westbound main track at Railroad Engineer Station 1667+18.4 which equals Mile Post No. 31.606, said point also being 115.4 ft. radially distant northwesterly from the center line of the southbound traffic lanes of said project at Highway Engineer Station 954+14.8; thence N. 67°34'52" E. 11.2 ft. to a point on the easterly right of way line of said Union Pacific Railroad Company 50 ft. perpendicularly distant easterly from said westbound main track at Railroad Engineer Station 1666+69.8 which equals Mile Post No. 31.596, said point also being 95.6 ft. radially distant northwesterly from the center line of said southbound traffic lanes at Highway Engineer Station 955+31.2; thence Southerly 453.9 ft. along said easterly right of way line to a point 50 ft. perpendicularly distant easterly from the center line of said westbound main track at Railroad Engineer Station 1671+23.7 which equals Mile Post No. 31.682, said point also being 110 ft. radially distant southerly from the center line of said northbound traffic lanes at Highway Engineer Station 953+66.1; thence S. 74°02'22" W. 106.1 ft. to the point of beginning, containing 1.027 acres, more or less.

CONTROL OF ACCESS

This conveyance is made for the purpose of constructing a structure and appurtenant parts thereof to overpass said Railroad incident to the construction of a freeway known as Project No. I-215-9(6)297 and the grantor hereby releases and relinquishes to the grantee any and all abutters rights of access appurtenant to the grantors property to or from said freeway.

Prepared by
Checked by
Reviewed by

Typed by
Proofread by

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

Example 10-1140.09.2 (UNION PACIFIC RAILROAD)

Parcel No. 02-3:388:X
Project No. 1-80-3(5)116

**DESCRIPTION OF A PORTION OF THE UNION PACIFIC RAILROAD
RIGHT-OF-WAY USED JOINTLY BY UNION PACIFIC AND WESTERN
PACIFIC RAILROAD COMPANIES AND REQUIRED FOR THE
CONSTRUCTION OF AN OVERPASS AND APPURTENANT PARTS
THEREOF INCIDENT TO THE CONSTRUCTION OF A FREEWAY
KNOWN AS PROJECT NO. 1-80-3(5)116**

A parcel of land situate in Lot 2 and the SW1/4NE1/4 of Section 3. T. 1 S., R. 1 W., S.L.B. & M. in Salt Lake County, Utah. The boundaries of said parcel of land are described as follows:

Beginning in the northwesterly right of way line of the Union Pacific Railroad at a point which is approximately 448 ft. west and 137 ft. south from the Southeast corner of said Lot 2, said point also being 100 ft. perpendicularly distant northwesterly from the center line of main track at Railroad Engineer Station 812+23.06 which equals Railroad Mile Post No. 781.043, said point is also 156.88 ft. perpendicularly distant southerly from the Interstate Control Line of said project at Highway Engineer Station 261+45.58; thence S. 78°25'25" E. 338.08 ft. to a point on the southeasterly right of way line of said railroad; thence N. 65°18'21" E. 128.51 ft. along said right of way line; thence N. 0°11'02" E. 63.85 ft.; thence N. 65°18'21" E. 251.55 ft. to a point 33 ft. perpendicularly distant southeasterly from said center line of railroad at Railroad Engineer Station 81+86.76, said point also being 147.20 ft. perpendicularly distant northerly from said Interstate Control Line at Highway Engineer Station 267+72.21; thence N. 78°11'20" W. 110.94 ft; thence S. 65°18'21" W. 131.77 ft.; thence N. 0°11'02" E. 73.85 ft. to a point on said northwesterly railroad right of way line to a point of beginning. The above described parcel of land contains 1.719 acres.

(NOTE: Said Interstate Control Line bears S. 77°48' E. and intersects said center line of track at an angle of 36°53'35" to the right of Highway Engineer Station 265+21.14 which equals Railroad Engineers Station 816+17.60 which equals Railroad Mile Post No. 781.117.)

Prepared by
Checked by
Reviewed by

Typed by
Proofread by

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

Example 10-1140.09.3 (UNION PACIFIC RAILROAD)

Parcel No. 031-1:12B:X
Project No. F-031-1(2)

**DESCRIPTION OF THAT PORTION OF THE RIGHT-OF-WAY OF THE
UNION PACIFIC RAILROAD COMPANY REQUIRED FOR A HIGHWAY
GRADE CROSSING AND APPURTENANCES INCIDENT TO THE
CONSTRUCTION OF PROJECT NO. F-031-1(2).**

A parcel of land situate in the SE1/4NE1/4 of Section 8, T. 36 S., R. 1 W., S.L.B. & M. in
County, Utah. The boundaries of said parcel of land are described as follows:

Beginning in the center line of main track of said railroad at Railroad Engineer Station 1564+25.3 which equals
Railroad Mile Post 29.499, said point of beginning is approximately 1363 ft. west and 50 ft. north from the East
Quarter corner of said Section 8; thence North 50.0 ft. along the west line of said SE1/4NE1/4 to a point 50.0 ft.
perpendicularly distant northerly from said center line at Railroad Engineer Station 1564+25.0; thence Easterly
112.6 ft. along the northerly right of way line of said railroad; thence Southerly 100.2 ft. along a straight line to
a point 50.0 ft. perpendicularly distant southerly from said center line at Railroad Engineer Station 1565+43.1;
thence Westerly 117.6 ft. along the southerly right of way line of said railroad; thence North 50.0 ft. along said
west line to the point of beginning. The above described parcel of land contains 0.26 acre.

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Typed by

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

Example 10-1140.09.4 (D. & R.G.W.R.)

Bet. Stas. 952+50 & 953+35
Both sides of Southbound Lane

Parcel No. 215-9:ID:AX
Project No. 1-215-9(6)297

**DESCRIPTION OF THAT PORTION OF DENVER & RIO
GRANDE WESTERN RAILROAD COMPANY RIGHT-OF-WAY
REQUIRED FOR THE CONSTRUCTION OF A HIGHWAY
OVERPASS INCIDENT TO THE CONSTRUCTION OF A
FREEWAY KNOWN AS PROJECT NO. 1-215-9(6)297**

A parcel of land being part of an entire tract of property, situate in the SW1/4NE1/4 and the NW1/4SE1/4 of Section 11, T. 1 N., R. 1 W., S.L.B. & M. in Salt Lake County, Utah. The boundaries of said parcel of land are described as follows:

Beginning at a point in the westerly right of way line of said Denver & Rio Grande Western Railroad Company, 33 ft. perpendicularly distant westerly from the center line of track at Railroad Engineer Station 848+59.9 which equals Mile Post No. 750 plus 939.9 feet, said point being 108.9 ft. radially distant southerly from the center line of the northbound traffic lanes of said project at Highway Engineer Station 951+90.2, said point also being approximately 258 ft. south and 393 ft. east from the Northwest corner of said NW1/4SE1/4; thence Northerly 431.0 ft. along said westerly right of way line to a point 33 ft. perpendicularly distant westerly from said center line of track at Railroad Engineer Station 852+90.9 which equals Mile Post No. 750 plus 1070.9 ft., said point also being 125.26 ft. radially distant northwesterly from the center line of the southbound traffic lanes of said project at Highway Engineer Station 953+28.36; thence N. 67°34'52" E. 81.2 ft. to a point in the easterly right of way line of said Denver and Rio Grande Western Railroad Company, 40 ft. perpendicularly distant easterly from said center line of track at Railroad Engineer Station 853+26.4 which equals Mile Post No. 750 plus 1106.4 feet, said point also being 115.4 ft. radially distant northwesterly from said center line of the southbound traffic lanes at Highway Engineer Station 954+14.8; thence Southerly 440.7 ft. along said easterly right of way line to a point 40 ft. perpendicularly distant easterly from said center line of track at Railroad Engineer Station 848+85.7 which equals Mile Post No. 750 plus 665.7 feet, said point also being 107.8 ft. radially distant southerly from said center line of the northbound traffic lanes at Highway Engineer Station 952+64.4; thence S. 74°02'22" W. 77.4 ft. to the point of beginning, containing 0.729 acre, more or less.

CONTROL OF ACCESS

This conveyance is made for the purpose of constructing a structure and appurtenant parts thereof to overpass said Railroad incident to the construction of a freeway known as Project No. 1-215-9(6)297 and the grantor hereby releases and relinquishes to the grantee any and all abutters rights of access appurtenant to the grantors property to or from said freeway.

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Proofread by

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

Example 10-1140.09.5 (D. & R.G.W.R.)

Parcel No. 0144.48:X
Project No. US-0144(2)

**DESCRIPTION OF THAT PORTION OF THE DENVER & RIO
GRANDE WESTERN RAILROAD COMPANY'S MAIN LINE
RIGHT-OF-WAY REQUIRED FOR THE CONSTRUCTION OF
A HIGHWAY UNDERPASS AND APPURTENANT PARTS THEREOF
KNOWN AS PROJECT NO. 0144**

A strip of land situate in the SW1/4SE1/4 of Section 1, T. 2 S., R. 1 W., S.L.B. & M. In Salt Lake County, Utah, described as follows:

A strip of land 100.0 ft. in width is contained within the easterly and westerly right-of-way lines of said railroad, and bounded southerly by a line parallel to and 105.0 ft. distant southerly from the center line of said project, said center line of project bears S. 89°59' E. and intersects the center line of said railroad's westbound main track at an angle of 86°02' to the right at Railroad Engineer Station 257+17.18 which equals Railroad Mile Post No. 738 plus 852.18 ft., which equals Highway Engineer Station 124+71.13, and bounded northerly by a line parallel to and 103.0 ft. distant northerly from said center line of project. (Note: Said northerly line intersects the westbound Main of said Railroad at Railroad Engineer's Station 258+20.42, and said southerly line intersects said westbound Main at Railroad Engineer's Station 256+11.92.). The above described strip of land contains 0.478 acre, as shown on the attached Map No. F-153 marked Exhibit A.

Prepared by
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(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

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:05	Coordination with Utility Unit

10 - 1141:

UTILITIES

10-1141.01

UTILITIES

Utilities can be public, private, or cooperatively owned and can be located underground, on the surface, or overhead.

10-1141.02

INSTRUMENTS - DESCRIPTIONS

When a utility is relocated, prepare a description if the utility has a vested right.

Prepare the instrument in the utility's name.

The description is written to replace in-kind that area occupied by the utility. (Note: This is to say that if the utility is presently occupying land by easement, the relocation area will be taken in fee. If by license and easement, then the land will be replaced by license and easement).

Prepare instruments only for land where the utility is being relocated outside of the highway right-of-way.

Prepare a Quit Claim Deed when a utility company owns land in fee and a highway crosses this land. The same applies for any company or corporation conveying land to the Utah Department of Transportation.

These descriptions will be handled as any other parcel and will be transmitted through regular right-of-way channels.

10-1141.03

SPECIAL WORDING FOR UTILITY DESCRIPTIONS

The instrument should be written so that the landowner conveys directly to the utility company, not to UDOT.

State the purpose of the taking in the instrument, along with the statement: "Incident to the construction of a (highway, freeway, or expressway) known as Highway Project No. _____."

Provide the control of access clause on controlled access projects.

10-1141.04

PRINCIPAL TYPES OF UTILITIES IN UTAH

- Chemicals
- Communication
- Drainage
- Power
- Natural Gas
- Irrigation
- Petroleum Products
- Sewage
- Steam
- Telegraph
- Telephone
- Water
- T.V.
- Fiber Optics

10-1141.05

COORDINATION WITH UTILITY UNIT

Contact and work close with the Engineering Coordinator for Utilities and Railroads, when projects affect existing utilities.

Prepare descriptions and transmit to the Engineering Coordinator for Utilities and Railroads.

Descriptions are inserted into the Utility Agreements.

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10 - 1142:

CITIES AND TOWNS

10-1142.01

LAW

For laws dealing with classifications of cities and towns see Utah Code Annotated, 1953, Replacement Volume 2A, Title 10.

10-1142.02

WHAT COMPRISES A CITY STREET

- County Roads - Class B Roads (27-12-22), see Section 10-130, Legal
- City Streets - Class C Roads (27-12-23), see Section 10-130, Legal

Cities and towns establish right-of-way widths for their streets when Class B and C funds are involved.

10-1142.03

PREPARATION OF CITY AGREEMENTS

On all controlled access projects where city streets are relocated or closed to the public, prepare an agreement for the relocation or closing of such streets on the Form RW-32.

For City Form RW-32 see Section 10-1131, Right-of-Way Forms, at page 1131-118 located in a separate book.

A set of right-of-way maps appropriately colored and labeled as EXHIBIT "A" will accompany all agreements. Start with the map title sheet, being sheet number one, and continue through the remaining sheets. Show and label all beginning and ending of access.

Legends will apply for freeways and expressways respectively. Attach a copy to the title sheet of the EXHIBIT "A," to depict the appropriately colored maps.

(Note: Legends appear to be the same, but there are differences due to the **Full Control of Access for freeways** and **Partial Control of access for expressways**. See Subsection 10-1142.04 for Legends.)

10-1142.04

COLOR CODING FOR LEGENDS

A. LEGEND FOR FREEWAYS

Make copy, color, and attach to title sheet for freeway facility.

FREEWAY LEGEND

- Brown: Location of the freeway through the City of _____
- Red: Lines across which there shall be no access to or from the freeway
- Dark Green: Center line of roads to be constructed by the Utah Department of Transportation to provide access to or from the freeway
- Orchid: Existing city street rights of way hereby granted to the Utah Department of Transportation
- Yellow: Center line of frontage roads to be constructed by the Utah Department of Transportation to provide service to existing city streets
- Light Green: City streets to be constructed or reconstructed by the Utah Department of Transportation to underpass or overpass freeway

Parcel No. 15-6:320:AX
Project No. I-15-6(2)270 Utah County
Exhibit "A" Sheet #1; Scale 1:5000
Exhibit "A" Sheet #2 through n; Scale 1:100

(Note: Parcel and Project Numbers are examples only.)

B. LEGEND FOR EXPRESSWAYS:

Make copy, color, and attach to title sheet for expressway facility.

EXPRESSWAY LEGEND

- Brown:** Location of the expressway through the city of _____
- Turquoise:** Lines across which there shall be no access between adjoining property and the expressway, except access to adjoining property as granted in deeds
- Dark Green:** Center line of roads to be constructed by the Utah Department of Transportation to provide access to or from the expressway
- Orchid:** Existing city street and alley rights-of-way inside the expressway right-of-way hereby granted to the Utah Department of Transportation
- Orange:** Center lines of portions of streets and alleys to be closed
- Yellow:** Center lines of frontage roads to be constructed by the Utah Department of Transportation to provide service to existing city streets
- Light Green:** Center line of city street to underpass the expressway
- Parcel No.** 037-1:38:AX
Project No. F-037-1(2) Weber County
Exhibit "A" Sheet 1, Scale 1:3000
Exhibit "A" Sheet #2, through n; Scale 1:50

(Note: Parcel and Project Numbers are examples only.)

10-1142.05

JURISDICTION OF FRONTAGE ROADS

Frontage roads are acquired in fee to restore public access from street to street running parallel to the freeway.

Resolutions are processed requesting that frontage roads be turned over to cities and counties for their jurisdiction, but UDOT retain the fee ownership.

Refer to Design Process 08-1, Activity 15C and Subsection 10-140.04, Identify Landownerships for guidelines.

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:04	Jurisdiction of Frontage Roads
:05	Preparation of County Agreements
:06	Color Coding For Legends

10 - 1143:**COUNTIES****10-1143.01****COUNTIES**

There are 29 counties in Utah. The counties, when listed alphabetically are identified by number - starting with Beaver as Number 1 and ending with Weber as Number 57, using odd numbers.

These numbers are used as part of the Road Section Identification Number.

10-1143.02**COUNTIES IN UTAH AND THEIR SEAT**

<u>NO.</u>	<u>COUNTY</u>	<u>SEAT</u>	<u>REGION</u>
1	BEAVER	Beaver	4
3	BOX ELDER	Brigham City	1
5	CACHE	Logan	1
7	CARBON	Price	4
9	DAGGETT	Manila	3
11	DAVIS	Farmington	1
13	DUCHESNE	Duchesne	3
15	EMERY	Castle Dale	4
17	GARFIELD	Panguitch	4
19	GRAND	Moab	4
21	IRON	Parowan	4
23	JUAB	Nephi	3
25	KANE	Kanab	4
27	MILLARD	Fillmore	4
29	MORGAN	Morgan	1
31	PIUTE	Junction	4
33	RICH	Randolph	1
35	SALT LAKE	Salt Lake City	2
37	SAN JUAN	Monticello	4
39	SANPETE	Manti	4
41	SEVIER	Richfield	4
43	SUMMIT	Coalville	2
45	TOOELE	Tooele	2
47	UINTAH	Vernal	3
49	UTAH	Provo	3
51	WASATCH	Heber City	3
53	WASHINGTON	St. George	4
55	WAYNE	Loa	4
57	WEBER	Ogden	1

10-1143.03

WHAT COMPRISES A COUNTY ROAD

- County Roads - Class B Roads. (27-12-22), See Section 10-130, Legal at Page 130-8.

Counties establish right-of-way widths for their roads, when Class B and C funds are involved.

10-1143.04

JURISDICTION OF FRONTAGE ROADS

Frontage roads are acquired in fee to restore public access from street to street running parallel to the freeway.

Resolutions are processed requesting that frontage roads be turned over to cities and counties for their jurisdiction, but UDOT retain the fee ownership.

Refer to Design Process 08-1, Activity 15C and Subsection 10-140.04, Identify Landownerships for guidelines.

10-1143.05

PREPARATION OF COUNTY AGREEMENTS

Prepare on Form RW-33, an agreement for relocating or closing roads on all controlled access projects, where county roads are relocated or closed to use of the public.

A set of right-of-way maps appropriately colored and labeled as EXHIBIT "A" accompany all agreements. Start with the map title sheet, being sheet number one, and continue through the remaining sheets. Show and label all beginning and ending of access.

Legends will apply for freeways and expressways respectively. Attach a copy to the title sheet of the EXHIBIT "A," to depict the appropriately colored maps.

10-1143.06

COLOR CODING FOR LEGENDS

A. LEGEND FOR FREEWAYS:

Make copy, color, and attach to title sheet for freeway facility.

FREEWAY LEGEND

Brown: Location of the freeway through the County of ____

Red: Lines across which there shall be no access to or from the freeway

Dark Green: Center line of roads to be constructed by the Utah Department of Transportation to provide access to or from the freeway

Orchid: Existing county road rights-of-way hereby granted to the Utah Department of Transportation

Orange: Center line of portions of county roads to be closed

Yellow: Center line of frontage roads to be constructed by the Utah Department of Transportation

Light Green: County roads to be constructed or reconstructed by the Utah Department of Transportation to underpass or overpass freeway

Parcel No. 15-6:320:AX

Project No. I-15-6(2)270 Utah County

Exhibit "A" Sheet #1; Scale 1:5000

Exhibit "A" Sheet #2 through n; Scale 1:100

(Note: Parcel and Project Numbers are examples only.)

B. LEGEND FOR EXPRESSWAYS:

Make copy, color, and attach to title sheet for expressway facility.

EXPRESSWAY LEGEND

Brown: Location of the expressway through the county of ____

Turquoise: Lines across which there shall be no access between adjoining property and the expressway, except access to adjoining property as granted in deeds

Orchid: Existing county road rights-of-way inside expressway right of way hereby granted to the Utah Department of Transportation

Green: Center line of roads to be constructed by the Utah Department of Transportation to connect existing roads with the expressway

Parcel No. 037-1:39:A:AX

Project No. F-037-1(2) Weber County

Exhibit "A" Sheet 1, Scale 1:3000

Exhibit "A" Sheet #2, through n; Scale 1:50

(Note: Parcel and Project Numbers are examples only.)

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STATE LANDS

10-1144.01

INTRODUCTION

State lands and other property such as the Fish and Game Division and recreational lands are controlled by the Department of Natural Resources, Division of State Lands.

The Division of State Lands has a duly appointed and qualified Executive Director, who is authorized by resolution of the Board of State Lands to execute deeds.

10-1144.02

STATE LANDS

When Utah became a state in 1896, title was granted to the state for Sections 2, 16, 32, and 36 in each township, and are known as school sections. The Division owns other properties, such as recreational properties.

10-1144.03

ACQUIRING LAND FROM STATE

Prepare and process documents and maps in the same manner as other parcels for private landowners.

See Section 10-1131, Standard Right-of-Way Forms, (located in separate book) and select the type instrument required to be used for state lands, such as a Quit Claim Deed and easement.

10-1144.04

EXCLUSION

Division of State Lands has requested that the following clause be included in UDOT instruments:

The Grantor hereby expressly reserves all gas, oil, coal, and other minerals in and under the lands covered by the easement herein granted, and said minerals shall not be leased by grantor except upon terms and conditions as shall be approved by the Department of Transportation.

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10 - 1145:

MAP FILES AND RECORDS

10-1145.01

DEED FILES

Older projects with their documents, such as executed deeds, contracts, appraisals, final orders of condemnation, and material options are available on electronic data base in the right-of-way files at the central office.

All legal documents are posted, recorded, indexed, and filed in sequence when received.

Copies of deeds, contracts, final orders of condemnation and other legal documents are available from the right-of-way files at the central office.

Updates to records are to be done by central office right-of-way files personnel.

10-1145.02

OFFICE FILES

Compile in books all correspondence, summaries, copies of descriptions, title reports, agreements, and maps according to project number. File the books numerically in the office files.

A general file for material sites and shed sites is maintained for correspondence and references not pertaining to a specific project.

10-1145.03

MAPS

All current project map mylars and electronic files are retained in right-of-way files at the central office.

All changes to original mylar maps are the responsibility of the central office right-of-way files personnel.

10-1145.04

PROJECT INDEXES

All road projects in the state are broken into interstate, primary, secondary, and forest projects.

These projects are indexed on separate maps for each classification.

All master right-of-way indexes are maintained for reference in the central office.

10-1145.05

CARE AND USE OF MASTER FILES

All documents, books, maps, and correspondence are NOT to be removed from the right-of-way files area and are to be refiled immediately after use.

Obtain authorization of the right-of-way files personnel prior to any file reproduction.

10-1145.06

DISTRIBUTION OF PACKAGES

Central office right-of-way files personnel process the distribution of right-of-way packages. Included in the process is logging in all current and future right-of-way packages, transmittals, and the action taken on each parcel, dividing right-of-way packages for distribution, sending each required part of distribution to the regions, and sending original signature instruments and other parts of distribution to the right-of-way acquisition supervisor.

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10 - 1150:

10-1150.01

SURPLUS PROPERTY - "Q" DEEDS

SEVERED TRACTS

A severed tract is the remaining land adjacent to the highway, created by the highway right-of-way take. Severed tracts are the remainder of an landowner's entire tract of property.

Severed tracts may be acquired for different reasons such as:

- a. Uneconomic remnant (damages exceed value of remnant)
- b. Landlocked tract of property (legal or physical)
- c. Remnant is rendered useless to the landowner
- d. Wetland or other designated highway features
- e. State employee home when acquired

As a general rule, severed tracts (":S" and ":ST" parcels) are not prepared until requested by the regions or Right-of-Way Division. Usually when the remainder is less than one half acre in size, these parcels are prepared in the design phase with the approval of Right-of-Way Division.

Severed tracts are assigned parcel numbers for identification. When remnant land is on both sides of the highway, or non-contiguous on the same side, use ":S" for the first tract and ":ST" for the second tract or there is only one remnant. For example:

For a highway take: Parcel No. 15-7:23:A

For a severed tract: Parcel No. 15-7:23:S, :23:2S or :23:3S

For a severed remaining tract: Parcel No. 15-7:23:ST

10-1150.02

FEDERAL FUNDS AND STATE FUNDS

Highway rights-of-way are acquired with both federal and/or state funds. (On surplus property, federal participation is gained only when the sale of the property is less than the purchase costs.)

Severed tracts are usually acquired state funds, NOT with participating federal funds.

10-1150.03

RECORDATION OF SEVERED TRACTS

Ensure that severed tracts are executed and recorded. Sometimes a severed tract is prepared and shown on the right-of-way plan sheet, but may not have been acquired and removed from the map. Check with the Right-of-Way Acquisition Division concerning this condition.

10-1150.04

IMPROVEMENTS ON SEVERED TRACTS

Show all existing features (topog) on the right-of-way plan sheets, to help the appraisers place a value for the land. Use the standard symbols.

- a. Show all physical features such as buildings, trees, fences, ditches, ponds, springs, wells, bill board signs
- b. Show all utilities such as telephone, power, buried cable, sewer, gas, and water lines

10-1150.05

TYPES OF SURPLUS PROPERTY

- Landlocked tracts of property (legal or physical)
- Uneconomic remnants
- Existing acquired right-of-way or portions of a right-of-way deemed no longer necessary to serve highway needs, a depleted material site (when fee owned), or prescriptive right-of-ways
- Maintenance sheds (when fee owned)
- State employee home (employee being transferred to another job location)

10-1150.06

DISPOSAL OF SURPLUS PROPERTY

The adjacent landowner, local governments, or UDOT property management may initiate the action for surplus property.

The region director declares and approves remnant land surplus, and will make a formal request to the UDOT property manager for action.

Obtain federal approval before changing N/A or L/A lines.

With the knowledge that UDOT has full title to the surplus property and the deed has been recorded, a "Q" Deed Package can be prepared for further action.

Make a study of the surplus property of any improvements, utilities, type of access, controlling the access, water rights, trading benefits, the adjoining landowner's property, and any concern that may affect the highway.

When a severed tract has an existing rights-of-way of record, or other legal encumbrances crossing the property, the deed of sale is subject to the encumbrances.

Consider what funds were used in acquiring the surplus property. Except for easements, no federal participating funds are used outside of the right-of-way lines.

Surplus property may need a survey to ensure that the description calls to the monuments or physical boundaries.

Surplus property is sold or disposed of from the project under which it was acquired. Updated maps and documents will be filed under that existing project regardless of how old the surplus property may be.

For present and future information, cross-referencing between the existing project and the new project is crucial. Sometimes right-of-way lines may be adjusted or an access opening changed. (Use cross-referenced notes and place the old Project No. on the new project plans.)

Surplus property may be kept for many years before the property is deemed surplus and is disposed of.

10-1150.07

UDOT PROPERTY MANAGER AND REGION DIRECTORS

- Manages, leases and controls the disposal of surplus property
- Requests a "Q" Deed Package be prepared for the disposal process of the declared surplus property
- Receives the completed "Q" Deed Package and upon completing the transaction either by trade or sale, has the deed of sale signed by the UDOT Chief, Right-of-Way and requests that the deed be recorded.

10-1150.08

PREPARING THE "Q" DEED PACKAGE

The "Q" Deed Package consists of:

1. Seven copies of the "Q" Deed Summary (Form RW-54) listing "Q" Deeds. (Note: This summary calls for consecutive sheet numbers. Each region should maintain a file for logging those numbers and updating current action.)
2. Provide two copies of the deed of sale for conveying the designated surplus property. The deed of sale is usually a quit claim deed, but may be a special warranty deed when requested.
3. Seven copies of the office copy of deed of sale. (Note: One copy is for the office book, two copies for the region, and four copies for Right-of-Way Division.
4. Seven prints of the right-of-way plans, being a copy of the plan sheet under which the surplus property was originally acquired, illustrate the surplus property to be sold as follows:

INK ON MYLARS:

- a. Ink balloon and the parcel number within the balloon, and a leader to the area of land to be sold.
- b. Ink new distances if different from those acquired. (NEVER REMOVE distances as acquired, just draw a line through them.)
- c. Ink the Map "Q" Summary (Form H), but do not ink the new owners name until the deed has been executed.
- d. Ink the current action in the revision block.

Make seven prints of the mylars and do the following:

1. Mark **with red pencil** the surplus property with cross-hatches with parallel lines.
2. Mark **with red pencil** the parcel balloon with cross-hatches with parallel lines.

Provide a cover letter describing the action.

10-1150.09

ACTION AFTER THE RECORDING OF THE "Q" DEED

Make a copy of the recorded "Q" Deed and file under the "Q" Deed files in the central office. Make and send a copy of the recorded "Q" Deed to the region for their files.

Mail the original recorded "Q" Deed to the Grantee (new owner).

Once the "Q" Deed has been executed, update the plan sheet by inking in the new owner's name on the map summary, and cross-hatch with parallel lines the area sold and the balloon.

Make copy of the updated map and send to the region along with the copy of the recorded deed for their file.

10-1150.10

"Q" DEED PARCEL NUMBERING

The "Q" is used to identify the disposal of all surplus properties, including such instruments as a Grant of Access, an Agreement to Change Access, or Change of Access.

To identify a severed tract at the time of taking, a parcel number is assigned to the tract such as 15-7:23:S, :23:2S, :23:3S or 15-7:23:ST (last remaining land).

When a severed tract (15-7:23:S or 15-7:23:ST) adjoins a **highway** with no control of access, and UDOT declares the severed tract surplus and wants to sell the property, then the original number is expanded by adding a "Q" such as: 15-7:23:SQ or 15-7:23:STQ.

When a severed tract (15-7:23:S or 15-7:23:ST) adjoins a **freeway** or **expressway** with control of access restrictions, the control of access clause becomes mute in the ":A" parcel (15-7:23:A), because UDOT becomes the owner of the remaining property. (See Section 10-820 - Access Control.)

When disposing of surplus property adjoining a freeway or an expressway, UDOT retains the legal control of either the **full or partial** right of access. Legal control is accomplished by placing the appropriate control of access clause in the deed of sale (Quit Claim Deed). (Note: See Subsection 10-1150.13, "Q" Deed Clauses - Restrictions) The parcel number is further modified by adding an "A" before the "Q" in the parcel number such as: 15-7:23:SAQ or 15-7:23:STAQ.

When UDOT conveys or transfers an easement to a utility company or canal company, where the easement may cross property owned by UDOT for a maintenance shed, a material site or surplus property, the parcel is numbered 15-7:23:EQ. (See Section 10-1130).

Important! A maximum of two colons are used in a string. (See Section 10-1125 Parcel Numbering.)

Severed tracts are acquired and sold off under the following conditions:

First Condition

UDOT may own the remainders of four adjoining lots, that are adjacent to the highway, and were acquired as Parcel Nos. 15-7:19:ST, 20:ST, 21:ST and 22:ST. UDOT now wishes to **sell** these entire remainders as one piece of property. This is accomplished by taking the lowest number 19:ST and adding a "Q", such as: 15-7:19:STQ.

Second Condition

UDOT has acquired a large piece of property under Parcel No. 15-7:26:S. UDOT now wishes to **sell** this entire remainder as three pieces of property. This is accomplished by expanding the parcel number as such:

First purchaser: 15-7:26:SQ

Second purchaser: 15-7:26:S2Q

Third purchaser: 15-7:26:S3Q

10-1150.11

"Q" DEED INSTRUMENT - DESCRIPTION

In preparing the "Q" Deed, consider of all the aspects and conditions of the land such as:

1. Who are the purchasers of the surplus property and how will they have access?

2. If the surplus property adjoins a freeway, the new owner can not have access to that highway facility. If the surplus property adjoins an expressway, the condition to provide an access opening must meet standard requirements (See Policy 08A3-12 and Section 10-820, Access Control).
3. Does the surplus property have wetlands, easements, improvements, or utilities?

Obtain a copy of the recorded deed of taking that describes the surplus property to be disposed. The property is usually identified by an ":S" or ":ST" parcel number.

Compare the map against the deed of taking used by UDOT to acquire the title to the land.

If a certified survey has been made, the maps must reflect the true surveyed distances along with the distances as acquired. (Never remove any distances but draw a line through them and add the corrected values.)

Modify the description for the deed of taking, where necessary, and place in the deed of sale (Quit Claim Deed). Usually, the description for the deed of sale is the same as the deed of taking. Provide restrictions and clauses as required. (See Section 10-1150.13). Watch for words such as "Grantor," or "existing highway."

The description should stand on its own with beginning tie, courses, distances, and acreage. Survey practices should be followed, so there is no question as to what is to be conveyed.

10-1150.12

"Q" DEED - QUIT CLAIM DEED FORMAT

- Show UDOT as the Grantor in the preamble, the proper description, and all restriction clauses when required
- Show the proper acknowledgment (signature) and notary clause with the Chief, Right-of-Way as the signer
- Consider where the Notary's Stamp goes on the deed. Ensure there is enough area for the recording data.

10-1150.13

"Q" DEED CLAUSES - RESTRICTIONS

Standard catch-all clause used most of the time when conveying title to land **not** easements.

Together with and subject to any and all easements, rights-of-way and restrictions appearing of record or enforceable in law and equity.

Clause restricting the new landowner's use of the property.

Junkyards, as defined in 23 United States Code, Section 136, shall not be established or maintained on this tract.

When surplus property adjoins a FREEWAY, with full control of access, the following control of access clause is used:

Pursuant to Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the above described tract of land is granted without access to or from the adjoining freeway over and across the westerly boundary line of said tract of land.

When surplus property adjoins an EXPRESSWAY, with limited control of access, the following control of access clause is used:

Pursuant to Title 27, Chapter 12, Section 96, Utah Code Annotated, 1953, as amended, the above described tract of land is granted without access to or from the adjoining freeway over and across the westerly boundary line of said tract of land.; **EXCEPTING** and reserving to said Grantees, their successors or assigns, the right of access to the nearest roadway of said highway over and across the westerly right of way line for One 9 m section, which section centers at a point directly opposite Highway Engineer Station 45+050.000.

Used as requested by UDOT Right-of-Way Acquisition:

In accepting this deed, Grantee hereby relieves the Utah Department of Transportation from any claim or demand for noise abatement along the adjoining highway.

10-1150.14

EASEMENTS ON SEVERED TRACTS - SURPLUS

Usually when easements are required for a project, the easements are prepared, executed, and recorded. Easements define use and duration (such as a temporary or perpetual easement).

When UDOT purchases severed tracts (":S" or ":ST") adjacent to the highway, construction requires a perpetual easement where physical facilities, such as an irrigation facility, drainage ditch, or cut and fill slopes are required. Since the land is acquired in fee there is **no need** to acquire a formal perpetual easement.

Prepare an office copy with a description of the easement area and file in the UDOT office book and hold for future use. If the ":S" or ":ST" parcel is not acquired, a formal perpetual easement is prepared and transmitted to Right-of-Way Acquisition.

Sometimes a formal perpetual easement is prepared and transmitted, but later voided on the RW-53 Summary, because a severed tract is to be acquired. If the severed tract (":S" or ":ST" parcel) is not acquired then the voided perpetual easement is to be reinstated and acquired.

In conjunction with this easement description, the limits of the easement are shown on the UDOT right-of-way maps with thin lines and annotation defining the purpose and size. A square balloon (thin line) is to be shown with the easement number inside for identification, and a leader from the square balloon to the area of the easement.

The square balloon is used to identify the easement for construction needs and for federal participation. The easement is not acquired because the land is acquired as a severed tract. (An easement is a right-of-use not fee title).

When the surplus property is sold off, the Quit Claim Deed must indicate in the conveyance that the land is subject to a perpetual easement and state its purpose and include its description and possible conditional clauses (such as slope protection).

When UDOT conveys surplus property, under a ":Q," ":AQ," ":SAQ," ":STAQ" parcel, with a required construction facility, such as irrigation, drainage, cut and fill slopes, the property must be conveyed subject to a perpetual easement for the protection of that irrigation, drainage, or cut and fill slopes of the highway and other restrictions of record.

When voiding an easement that has been previously transmitted, show the following notation on the next partial or supplemental summary Form RW-53 and on the map summary:

(Note: Void Parcel No. 15-7:23:E, but retain for reference only)

10-1150.15

EASEMENT CLAUSES FOR "Q" DEEDS

Refer to Subsection 10-1130.04, Easement clause for "Q" Parcels.

Where easements are for slopes the following clause is used:

That the herein Grantees, by consent of the Utah Department of Transportation, shall have the right to lessen but not to increase the vertical distance or grade of said cut and/or fill slopes.

10-1150.16

REVERSIONARY CLAUSE

When UDOT conveys to a city, county, or other government agency, the following clause is used when requested by Acquisition:

The Grantee, for itself, its heirs, representatives, successors in interest and/or assigns, as a part of the consideration hereof, does hereby covenant and agree, as a covenant running with the land, that in the event said Grantee transfers or puts the above described property to use inconsistent with that for which it is granted, the Utah Department of Transportation shall have the right to re-enter said property and facilities thereon, and the above described property and facilities thereupon shall revert to and vest in and become the absolute property of the Utah Department of Transportation and its assigns.

Before using the above clause, be sure the purpose for which the land will be used is stated in the preamble of the deed.

10-1150.17

GRANT OF ACCESS

See Subsections 10-1150.10 ("Q" Deed Parcel Number), 10-820.13 (Parcel Numbering - Access Control), and 10-820.14 (Grant of Access) and Example 10-820.23.2.

10-1150.18

BOUNDARY LINE AGREEMENT

When land surveys reveal conflicts between adjoining properties, that may have gaps or overlaps, and when fence lines are in conflict with the legal deeds of record, a new instrument should be prepared and signed by adjoining landowners.

10-1150.19

UTILITIES

Research and know the location, type, and restrictions of existing utilities that cross or may cross remnant land.

10-1150.20

LANGUAGE FOR SEVERED TRACT - "Q" DEED

The UDOT Right-of-Way Division views the acquisition of a landowner's property or a severed tract as an "entire tract."

For the acquisition of property the following language is used:

1. "A parcel of land in fee for a highway" is used when acquiring part of an entire tract of property. (Note: "Parcel" means part.)
2. "A tract of land in fee situate in..." for severed or total tract ":S," ":ST," or ":T." (Note: Tract means whole).

Later, when that land is sold off, being an independent piece of surplus property, the following language is used:

"A tract of land situate in..." (Note: The word fee is not used when selling property)

10-1150-.21

USE OF THE RIGHT-OF-WAY AND "Q" DEED PACKAGES

The completed packages are used by the Right-of-Way Division for the process of appraisals, acquisition, condemnations, and the disposal of surplus property.

Place items and unique features of the right-of-way design from the right-of-way contracts on the roadway plans and include them in the construction contracts.

The completed packages are used by the construction people. For placing right-of-way markers, fencing, and access openings having the latest and final information is crucial to the field people.

The designers need to ask the following questions and focus on the full acquisition process when starting a project is important.

1. Will there be severed tracts?
2. Will there be water rights involved?
3. Will certain properties be landlocked?
4. What improvements are on the land?
5. What utilities are involved?
6. Are there any existing rights-of-way or easements?
7. How will the farmer get his cows from the grazing side of the highway to the milking barns on the other side?
8. How will a landowner get from his home on non-adjacent land to his business on adjacent land on the other side of the project?
9. What access openings have to be opened, closed, or moved?

10-1150.22

WATER RIGHTS

During the acquisition process, there are times under a total taking (":T"), a remainder (":ST"), or under other conditions, when water rights have been acquired by UDOT. Later, these water rights would be sold off as an ":EQ" independent from the land.

10-1150.23

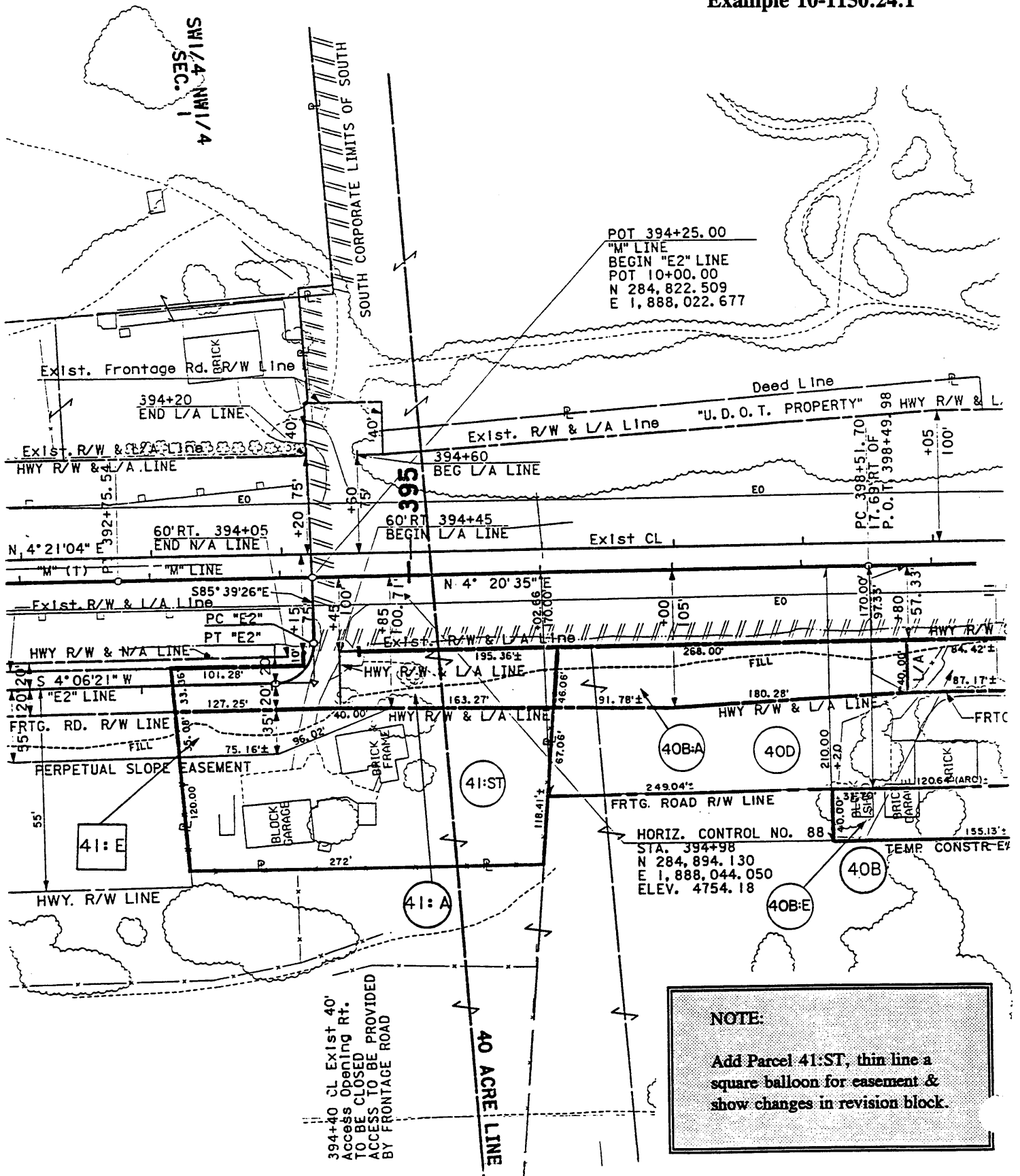
TRADING SURPLUS PROPERTY FOR OTHER LANDS

The Right-of-Way Division will often request that a ":SQ" or ":SAQ" parcel is to be used in trading for the right-of-way on certain projects.

10-1150.24

EXAMPLES

Example 10-1150.24.1



Example 10-1150.24.2 (Remnant Tract)

WHEN RECORDED, MAIL TO:
 Utah Department of Transportation
 Right-of-Way, Fourth Floor,
 4501 South 2700 West,
 Salt Lake City, Utah 84119-5998

Warranty Deed

Davis County

Parcel No. 030:41:ST
 Project No. F-030(9)

_____, Grantor_,
 of _____, County of _____, State of _____,
 hereby CONVEYS AND WARRANTS to the UTAH DEPARTMENT OF TRANSPORTATION, at
 4501 South 2700 West, Salt Lake City, Utah 84119, Grantee, for the sum
 of _____ Dollars,
 and other good and valuable considerations, the following described parcel of land
 in Davis County, State of Utah, to-wit:

A tract of land in fee, situate in the ~~W~~^{NW} of Section 1, T. 4 N., R. 1 W.,
 S.L.B. & M. The boundaries of said tract of land are described as follows:

Beginning at a point 384.75 ft. due east, 1395.37 ft. N. 4°12' E., 50 ft. due
 east and 202.10 ft. S. 81°14' E. from the Southwest corner of the Northwest Quarter
 of said Section 1; and running thence N. 81°14' W. 118.41 ft., more or less, to the
 easterly highway right of way and limited-access line of State Route 89; thence
 S. 5°08'02" W. 163.27 ft. along said easterly right of way and limited-access line;
 thence S. 3°45'16" W. 127.25 ft. along the easterly right of way line of the
 frontage road adjoining said State Route 89; thence East 120.00 ft.; thence
 N. 4°12' E. 272 ft. to the point of beginning. The above described tract of land
 contains 33,658 square feet in area or 0.773 acre, more or less.

(Note: Rotate all bearings in the above description 0°21'04" clockwise to
 match highway bearings based upon the Utah State Plane Coordinate System modified.)

Continued on Page 2

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

SECTION 10-1150 - SURPLUS PROPERTY - "Q" DEEDS

PAGE 2

Parcel No. 030:41:ST

Project No. F-030(9)

WITNESS, the hand_ of said Grantor_, this _____ day
of _____, A.D. 19____.

Signed in the presence of:

STATE OF

)

) ss.

COUNTY OF

)

On the date first above written personally appeared before me,

the signer_ of the within and foregoing instrument, who duly acknowledged to me
that _he_ executed the same.

Notary Public

Example 10-1150.24.3 (Surplus Tract, "Q" Deed)

WHEN RECORDED, MAIL TO:
 Utah Department of Transportation
 Right-of-Way, Fourth Floor,
 4501 South 2700 West,
 Salt Lake City, Utah 84119-5998

Quit Claim Deed

(CONTROLLED ACCESS)

Davis County

Parcel No. 030:41:STAQ

Project No. F-030(9)

The UTAH DEPARTMENT OF TRANSPORTATION, by its duly appointed Chief, Right-of-Way, Director, Grantor, of Salt Lake City, County of Salt Lake, State of Utah, hereby QUIT CLAIMS

to _____, Grantee_,

at _____,

County of _____, State of _____, zip _____, for the sum

of _____ Dollars,

and other good and valuable considerations, the following described tract of land in Davis County, State of Utah, to-wit:

A tract of land, situate in the W $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T. 4 N., R. 1 W., S.L.B. & M. The boundaries of said tract of land are described as follows:

Beginning at a point 384.75 ft. due east, 1395.37 ft. N. 4°12' E., 50 ft. due east and 202.10 ft. S. 81°14' E. from the Southwest corner of the Northwest Quarter of said Section 1; and running thence N. 81°14' W. 118.41 ft., more or less, to the easterly highway right of way and limited-access line of expressway State Route 89; thence S. 5°08'02" W. 163.27 ft. along said easterly right of way and limited-access line; thence S. 3°45'16" W. 127.25 ft. along the easterly right of way line of the frontage road adjoining said State Route 89; thence East 120.00 ft.; thence N. 4°12' E. 272 ft. to the point of beginning. The above described tract of land contains 33,658 square feet in area or 0.773 acre, more or less.

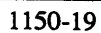
(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

(Note: Rotate all bearings in the above description 0°21'04" clockwise to match highway bearings based upon the Utah State Plane Coordinate System modified.)

Reserving therefrom unto grantor a perpetual slope easement for the purpose of constructing thereon cut and/or fill slopes and appurtenant parts thereof incident to the widening of an existing expressway State Route 89 and for an adjacent frontage road known as Project No. 030. The boundaries of said perpetual slope easement are described as follows:

Beginning in the south boundary line of said entire tract at a point 1089.55 ft. north, 561.60 ft. east and 33.36 ft. east from the West Quarter corner of said Section 1; and running thence N. 3°45'16" E. 127.25 ft. along a line parallel to the center line of said frontage road known as the "E2" Line of said project; thence N. 5°08'02" E. 40.00 ft. to a point 100.71 ft. perpendicularly distant easterly from the center line of said project known as the "M" Line at Engineer Station 394+45.00; thence S. 17°00'22" E. 96.02 ft. to a point 55.00 ft. perpendicularly distant easterly from said "E2" Line at Engineer Station 10+97.12; thence S. 3°45'16" W. 75.16 ft., more or less, along a line parallel to said "E2" Line, to said south boundary line; thence West 35.08 ft. to the point of beginning. The above described part of an entire tract contains 4,266 square feet in area or 0.098 acre, more or less.

Continued of Page 2



Example 10-1150.24.5

UTAH DEPARTMENT OF TRANSPORTATION
ELEVENTH SUPPLEMENTAL SUMMARY OF RIGHT OF WAY

Sheet 1 of 1

Location: SR-89 and SR-193 Interchange

Project No. F-030(9)

FHWA Approved for Acquisition April 24, 1992 Authority No. 5570

Road Section No. 11 - 089 - 1

Cnty-Route-Reg

Parcel No.	Grantor	Acres	Sq.Ft.	Remarks
030:41:ST	John Dow	0.773 ±	33658	
	(Note: Void Parcel No. 030:41:E on the Ninth Partial Summary, but			
	retain for reference only.)			
	(NOTE: USE METRIC VALUES ON CURRENT PROJECTS)			

RW-53 (1/94)

Prepared by: B.C.B. 8/09/94

Map Sheets 12 and 16

Checked by: R.H.J. 8/09,

1150-20

Example 10-1150.24.6

UTAH DEPARTMENT OF TRANSPORTATION

* SUMMARY OF "Q" DEEDS

Sheet No. 2

Location: SR-89 and SR 193 Interchange

R/W Index (F.A. Project or State Route No.): F-030(9)

Parcel No	Grantee	Acres	Remarks
030:41:STAQ	(Unknown at this point)	0.773 ±	

Prepared by: B.C.B. 8/09/94

Map Sheets 12 and 16

Checked by: R.H.J. 8/09/94

1150-21

As indicated under Item C. in Subsection 10-1150.08, Preparing the "Q" Deed Package Page, the following Map "Q" Deed Summary known as Form "H" is used to show the action in two phases:

The FIRST PHASE is before the tract is sold and name of the Grantee is left blank, but the summary form, parcel number, and area is shown in ink on the mylar.

The SECOND PHASE is after the "Q" Deed has been sold (executed) and recorded, the name of the Grantee is inked in the summary on the mylar.

Example 10-1150.24.7 ("Q" Deed Summary)

PARCEL NO.	GRANTEE	NET AC.
030:41:STAQ	(Leave blank until later)	0.773 ±

(NOTE: USE METRIC VALUES ON CURRENT PROJECTS)

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10 - 1195:

CONDEMNATIONS

10-1195.01

INTRODUCTION

When through a reasonable negotiation and effort, or when a parcel is involved in an estate, where no agreement or settlement can be arrived at between the right-of-way agents and property owner, a request for condemnation proceedings will be submitted by the Right-of-Way Acquisition Supervisor.

The state of Utah acting through the Utah Department of Transportation, may condemn under the provisions of law as defined in TITLE 78, Chapter 34, of the Utah Code Annotated 1953, as Amended.

The right to condemn is also guided by Title 27 of the Utah Code where the criteria of the department is specifically defined.

If UDOT files a condemnation, a final order of condemnation must be prepared.

10-1195.02

ACQUISITION

The Utah Department of Transportation may acquire, either in fee, or in any lesser estate or interest, any real property that it considers necessary for state highway purposes.

Title 27, Chapter 12, Section 96 of the Code specifies the specific rights-of-way and other real property that may be acquired by condemnation:

1. rights-of-way, including those necessary for state highways within cities and towns
2. The construction, reconstruction, relocation, improvements, and maintenance of state highways and other highways, roads, and streets as may be under the control of the department of transportation
3. Limited access facilities, including rights of access, air, light and view, and frontage and service roads to highways
4. Adequate drainage in connection with any highway, cuts, fills, channel changes, and the maintenance thereof

5. Weighing stations, shops, offices, storage buildings and yards, and road maintenance or construction sites
6. Road material sites, sites for the manufacture of road materials, and access roads to such sites
7. The maintenance of an unobstructed view of any portion of a highway to promote the safety of the traveling public
8. The placement of traffic signals, directional signs, and other signs, fences, curbs, barriers, and obstructions for the convenience of the traveling public
9. The construction and maintenance of storm sewers, sidewalks, and highway illumination
10. The construction and maintenance of livestock highways
11. The construction and maintenance of roadside rest areas adjacent to or near any highway

10-1195.03

GUIDE

As a guide to the conditions precedent to taking by condemnation, the State Code on Eminent Domain Title 78, Chapter 34, Section 4 is as follows:

1. That the use to which it is applied is a use authorized by law
2. That the taking is necessary to such land use
3. If already appropriated to some public use, that the public use to which it is to be applied is a more necessary public use

10-1195.04

ELEMENTS OF RESOLUTION

Elements of the Condemnation Resolution, the basis for the complaint (the action bringing the Land Owner or defendant into court), must contain the following contents (Ref. 78-34-6):

1. The name of the corporation, association, commission, or person in charge of the public use for which the property is sought.

2. The names of all owners and claimants of the property, if known, or a statement that they are unknown, who must be styled defendants (Figure 10-1195.07.2).
3. A statement of the right of the plaintiff.
4. If a right-of-way is sought, the complaint must show the right-of-way location, general route and termini, and must be accompanied by a map if involved in the action or proceeding.
5. A description of each piece of land sought to be taken, and whether the land includes the whole or only part of an entire parcel or tract. All parcels lying in the county and required for public use may be included in the same or separate proceedings at the option of the plaintiff, but the court may consolidate or separate them to suit the convenience of the parties.

Resolutions should be prepared separately for each owner, but all parcels for one owner within the project can be combined in one resolution.

Required in the resolution is the amount of approved appraisal and a statement that this amount is being deposited with the court at the time of granting the immediate order of occupancy (See Figures 10-1195.07.2 and 10-1195.07.4).

10-1195.05

PREPARATION TIME

Time requirements for the preparation of the condemnation resolution, complaint, service to the defendants, defendant's answer period, and order of immediate occupancy hearing are critical to meet advertising dates. Expeditious handling of all phases of the resolution preparation is necessary. The process takes a minimum of six weeks.

Ownership of the land including all parties of interest, mortgages, liens, or any other interest that could enjoin other parties must be obtained through a detailed abstract.

Each party of interest must be served. If there are parties residing out of state, an increase in time of service could delay the hearing for an order of immediate occupancy.

Some counties in Utah only have one day each month on which Order hearings are held. These days can be obtained from the Attorney General's office and must be considered in the time scheduling.

Procedures for obtaining a full Abstract of Title for condemnation will basically follow the procedures outlined in Subsection 10-1115.02, Ownership and Title Search. A more detailed search to include items specified in Subsection 10-1195.04 is required.

10-1195.06

REQUIRED ITEMS

The following items are to be assembled:

1. Complete parties in interest
2. Description of all lands of the owners: contiguous tracts, conformity of use tracts, or economically dependent tracts
3. Description of parcel or parcels to be acquired
4. Pertinent prints and plans showing the location of all buildings, fences and ties from buildings to the proposed right-of-way line
5. The parcel underlining owners name and areas on the map summary, after the condemnation is in process.
6. Appraisal data for deposit at time of immediate order of occupancy.

Make a complete and thorough check of the description to include bearings and distances, area, and conformity to legal and construction requirements.

The right-of-way prints to accompany the resolution papers must be checked for true representation of the lands and physical features (topography). Include access openings by size and location.

PREPARE RESOLUTION

10-1195.07

Assign an identification number when preparing the draft of the condemnation resolution.

This number indicates the resolution is an original (CO for Condemnation Original), with asterisk *, then the mileage figure (e.g. 297 or 121 of Interstate) or project base number (e.g. 01-7 or 526 if primary or other class of project), with an asterisk *, then the basic parcel number (56K:A, 56, 56:ST).

If the Resolution must be amended for any reason, the new identification number would show C1 (For Condemnation First Amendment, C2 for Condemnation 2nd Amendment). The middle number for mileage or project would remain the same.

If parcels are being added to the resolution the new base parcel number would be added to those listed on the original identification.

If parcels are being dropped from the action they will be removed from the identification number.

All revisions to a parcel that is in condemnation must have the Deputy Director's approval before any amendments can be made.

The amended number will contain only the reference parcel numbers that are to be in the action. Example: The Original Condemnation went out with the following number CO*297* 1:A, 1:E. It is found necessary to amend the Resolution to revise Parcel 1:A, to add Parcels No. 2:A and 2:E, and to delete Parcel No. 1:E.

The Amended Condemnation Number appears in the upper right hand corner of all the pages of the resolution, with the original number still being listed on the amended resolution as a reference number.

EXAMPLE: C1*297* 1:A, 2:A, 2:E
Ref. CO*297* 1:A, 1:E

The resolution states in explicit wording exactly what is being amended in the condemnation resolution.

See Figures 10-1195.07.1, 10-1195.07.2, 10-1195.07.3, and 10-1195.07.4.

Figure 10-1195.07.1

**CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. I-215-9(6)297
I-15 to I-15 Near Cudahy Lane (SW. Belt Route)**

RESOLVED, by the Utah Department of Transportation, hereinafter referred to as the Department, that it finds and determines and hereby declares that:

The public interest and necessity require the acquisition, construction and completion by the State of Utah acting through the Department, of a public improvement, namely a State Highway. The public interest and necessity require the acquisition and immediate occupancy, for said public improvement, of the real property, or interest in real property, hereinafter described.

Said proposed state highway is planned and located in a manner which will be most compatible with the greatest public good and the least private injury as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953 as amended, and has been heretofore designated as a limited-access facility as provided by Title 27, Chapter 12, Section 114, Utah Code Annotated 1953 as amended. (portion underlined is used for access controlled facilities)

BE IT FURTHER RESOLVED by said Department that the Attorney General of Utah shall be instructed and requested, on behalf of said Department:

To acquire, in the name of the Department, the said hereinafter described real property, or interest in real property, by condemnation in accordance with the provisions of the Statutes and of the Constitution of Utah relating to eminent domain;

To prepare and prosecute such proceeding or proceedings in the proper court having jurisdiction thereof as are necessary for such acquisition;

To obtain, from said court, an order permitting said Department to take immediate possession and use of said real property, or interests in real property, for highway purposes, or purposes incidental thereto.

BE IT FURTHER RESOLVED that the State Finance Director shall be instructed and requested, on behalf of said Department:

To prepare State Warrant in the amount of the approved appraisal of each parcel of real property, or interest in real property set forth and described herein; payee to be the Clerk of the District Court of the County wherein the real property is located, for the use and benefit of the landowner and/or lien holder as described herein;

That a tender to the landowner of a sum equal to the fair market value of the property to be acquired for rights of way herein shall be made prior to issuance of Order of Immediate Occupancy.

That the payment contemplated herein shall be without prejudice to landowner.

The real property, or interest in real property, which the Department is by this resolution authorized to acquire for said public use, is situate in the County of Salt Lake, State of Utah, Highway Project No. I-215-9(6)297, and is described as follows:

HIGHWAY PROJECT NO. I-215-9(6)297

PAGE 2

RECORDED OWNER:	J. Morris Parrish and Beth B. Parrish, his wife
ADDRESS:	875 Three Fountains Drive, Salt Lake City, Utah
CONTRACT PURCHASER:	Sherman G. Kay and Patsy A. Kay, his wife
	dba Newport Enterprises, a Utah Corporation
ADDRESS:	3166 South 1885 East, Salt Lake City, Utah
LESSEE:	Gilbert E. Martinez and Precilla L. Martinez, his wife
	dba Granger Music Company
ADDRESS:	4239 South 2200 West, Salt Lake City, Utah
PARTY IN INTEREST:	Small Business Administration, an Agency of the United States Government
ADDRESS:	125 South State Street, Salt Lake City, Utah
APPROVED APPRAISAL:	\$

Parcel No. 215-9:56K:A

A parcel of land in fee for the 3500 South Street connection incident to the construction of a freeway known as Project No. 215-9, being part of an entire tract of property, in the SW1/4SE1/4 of Section 28, T. 1 S., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the Southwest corner of said entire tract, which point is 33 ft. east and 33 ft. north from the Southwest corner of the SE1/4 of said Section 28; thence North 192 ft. along the west boundary line of said entire tract to a Northwest corner of said entire tract; thence East 17 ft., more or less, to a Northwest inside corner of said entire tract; thence North 13.52 ft. to a Northwest corner of said entire tract; thence East 10 ft., more or less, along the north boundary line of said entire tract to a point which is 60.0 ft. perpendicularly distant easterly from the center line of 2700 West Street; thence South 58.52 ft. to a point of tangency with a 90.00-foot radius curve to the left, said point designated as Point "A"; thence Southeasterly 107 ft., more or less, along the arc of said curve to the east boundary line of said entire tract to a point designated as Point "B"; thence South 64 ft., more or less, to the Southeast corner of said entire tract; thence West 83 ft. to the point of beginning. The above described parcel of land contains 0.23 acre, more or less.

Together with any and all rights or easements appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said highways including, without limiting the foregoing, all rights of ingress to or egress from said remaining portion, contiguous to the lands hereby conveyed, to or from said 3500 South Street and 2700 West Street between designated Point "A" and Point "B".

Together with any and all abutters rights of underlying fee to the center of existing rights of way appurtenant to this conveyance.

Prepared by WCS 6/23/72

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

FIRST AMENDMENT TO CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. I-215-9(6)297
I-15 to I-15 Near Cudahy Lane (SW. Belt Route)

WHEREAS, the Utah Department of Transportation, hereinafter referred to as the Department, by Resolution found and declared that Public interest and necessity required the acquisition, construction and completion as a public improvement, by the State of Utah acting through the Department, of that portion of a State Highway identified as Highway Project No. I-215-9(6)297 in the County of Salt Lake, State of Utah; that said public improvement was planned and located in a manner most compatible with the greatest public good and the least private injury, as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953 as amended, and has been heretofore designated as a limited-access facility as provided by Title 27, Chapter 12, Section 114, Utah Code Annotated 1953 as amended, and (portion underlined is used for access controlled facilities)

WHEREAS, the Attorney General of Utah was requested through a certified copy of a resolution adopted by the Department and approved by the Executive Director of Highways for said Department of the 6th day of July, 1972, to acquire in the name of the Department certain described real property or interest in real property by condemnation in accordance with the Statutes and the Constitution of Utah relating to eminent domain, and to make application in the court having jurisdiction for an order permitting the said Department to take immediate possession of the identified parcels of real property or interest therein for highway purposes, reference being made to said Resolution for descriptions of said parcels, and

WHEREAS, it is now declared by the Department that the said condemnation resolution heretofore mentioned of the 6th day of July, 1972, be amended to permit the addition of Parties in Interest identified as Commercial Credit Plan Incorporated (Lessee); Mel-Tone Music Incorporated (Lessee); Bonanza Lounge Incorporated, (Lessee) in said Resolution,

NOW THEREFORE BE IT RESOLVED by said Department that the Attorney General of Utah be advised of said addition of said Parties In Interest to said certified copy of said Resolution approved on the 6th day of July, 1972, and that otherwise said Resolution remain in full force and effect:

The addition of said Parties In Interest which said Department is by this First Amendment to the condemnation resolution authorized to enjoin, is described as follows:

HIGHWAY PROJECT NO. I-215-9(6)297

PAGE 2

RECORDED OWNER:	J. Morris Parrish and Beth B. Parrish, his wife
ADDRESS:	875 Three Fountains Drive, Salt Lake City, Utah
CONTRACT PURCHASER:	Sherman G. Kay and Patsy A. Kay, his wife
	dba Newport Enterprises, a Utah Corporation
ADDRESS:	3166 South 1885 East, Salt Lake City, Utah
LESSEE:	Gilbert E. Martinez and Precilla L. Martinez, his wife
	dba Granger Music Company
ADDRESS:	4239 South 2200 West, Salt Lake City, Utah
PARTY IN INTEREST:	Small Business Administration, an Agency of the United States Government
ADDRESS:	125 South State Street, Salt Lake City, Utah
LESSEE:	Commercial Credit Plan Incorporated
ADDRESS:	c/o D.L. Smith, 3481 South 2700 West, Granger, Utah
LESSEE:	Mel-Tone Music Incorporated
ADDRESS:	c/o Thereon DeMers, 1211 West 8th North, Salt Lake City, Utah
LESSEE:	Bonanza Lounge Incorporated
ADDRESS:	c/o Sherm Kay, 3166 South 1885 East, Salt Lake City, Utah
APPROVED APPRAISAL:	\$

Parcel No. 215-9:56K:A

A parcel of land in fee for the 3500 South Street connection incident to the construction of a freeway known as Project No. 215-9, being part of an entire tract of property, in the SW1/4SE1/4 of Section 28, T. 1 S., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the Southwest corner of said entire tract, which point is 33 ft. east and 33 ft. north from the Southwest corner of the SE1/4 of said Section 28; thence North 192 ft. along the west boundary line of said entire tract to a Northwest corner of said entire tract; thence East 17 ft., more or less, to a Northwest inside corner of said entire tract; thence North 13.52 ft. to a Northwest corner of said entire tract; thence East 10 ft., more or less, along the north boundary line of said entire tract to a point which is 60.0 ft. perpendicularly distant easterly from the center line of 2700 West Street; thence South 58.52 ft. to a point of tangency with a 90.00-foot radius curve to the left, said point designated as Point "A"; thence Southeasterly 107 ft., more or less, along the arc of said curve to the east boundary line of said entire tract to a point designated as Point "B"; thence South 64 ft., more or less, to the Southeast corner of said entire tract; thence West 83 ft. to the point of beginning. The above described parcel of land contains 0.23 acre, more or less.

Together with any and all rights or easements appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said highways including, without limiting the foregoing, all rights of ingress to or egress from said remaining portion, contiguous to the lands hereby conveyed, to or from said 3500 South Street and 2700 West Street between designated Point "A" and Point "B".

Together with any and all abutters rights of underlying fee to the center of existing rights of way appurtenant to this conveyance.

Prepared by WCS 6/23/72

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

10-1195.08

AMENDING CONDEMNATIONS

In many instances a condemnation action that has been initiated may require amending. Reasons for amendments include additions to the parcels to be taken, additional parties in interest, changes in design that have received the approval of the Deputy Director, or correction of an error in the property description.

Some of the reasons for amending, examples of the amendment wording, papers, and prints that must be included, and the distribution required are as follows:

1. Revise or add additional parcels
 - a. Summary, description, and maps (regular distribution)
 - b. No title sheet required for condemnation
 - c. Must have resolution, owner, and description pages
 - d. See Figures 10-1195.08.1 and 10-1195.08.2
2. Delete an instrument from the condemnation action
 - a. Summary and maps (regular distribution)
 - b. No second page unless requested on amendments
 - c. See Figures 10-1195.08.3 and 10-1195.08.4
3. Change approved appraisal
 - a. Front sheet of resolution (no maps)
 - b. Second sheet with descriptions
 - c. See Figure 10-1195.08.5
4. Addition of parties in interest
 - a. Full resolution including descriptions and maps (inform Attorney General)
 - b. See Figures 10-1195.08.6, 10-1195.08.7, 10-1195.08.8, and 10-1195.08.9
5. Change of interest being acquired.
 - a. Summary, instrument, and maps (regular distribution)

- b. Full resolution with maps
 - c. See Figures 10-1195.08.10, 10-1195.08.11, 10-1195.08.12, and 10-1195.08.13
6. Delete parties in interest or change of recorded owner
- a. Full resolution (no maps unless as indicated in b) for deletion
 - b. Full resolution plus maps if change of owner
 - c. See Figures 10-1195.08.14 and 10-1195.08.15
7. To change point of beginning tie in description
- a. Full resolution with maps (inform Attorney General)
 - b. No title sheet
 - c. Full distribution of regular summary, deeds, and maps
 - d. See Figures 10-1195.08.16, 10-1195.08.17, 10-1195.08.18, and 10-1195.08.19
8. Special limitation in the condemnation
- a. Full distribution of first page of resolution only
 - b. See Figure 10-1195.08.20

FIRST AMENDMENT TO CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. I-80-2(3)79
Burmester to Lake Point

WHEREAS, the Utah Department of Transportation, hereinafter referred to as the Department, by Resolution found and declared that Public interest and necessity required the acquisition, construction and completion as a public improvement, by the State of Utah acting through the Department, of that portion of a State Highway identified as Highway Project No. I-80-2(3)79 in the County of Tooele, State of Utah; that said public improvement was planned and located in a manner most compatible with the greatest public good and the least private injury, and has been designated as a limited-access facility as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953 as amended, and (portion underlined is used for access controlled facilities)

WHEREAS, the Attorney General of Utah was requested through a certified copy of a resolution adopted by the Department and approved by the Executive Director of Highways for said Department of the 21st day of March, 1968, to acquire in the name of the Department certain described real property or interest in real property by condemnation in accordance with the Statutes and the Constitution of Utah relating to eminent domain, and to make application in the court having jurisdiction for an order permitting the said Department to take immediate possession of the identified parcels of real property or interest therein for highway purposes, reference being made to said Resolution for descriptions of said parcels, and

WHEREAS, it is now declared by the Department that the said condemnation resolution heretofore mentioned of the 21st day of March, 1968, be amended to permit the revision of the parcels identified as Parcels No. 80-2:27:A and 80-2:27:E in said Resolution,

NOW THEREFORE BE IT RESOLVED by said Department that the Attorney General of Utah be advised of said revisions to said certified copy of said condemnation Resolution approved on the 21st day of March, 1968, and that otherwise said Resolution remains in full force and effect:

The revision of Parcels No. 80-2:27:A and 80-2:27:E which said Department is by this First Amendment to the condemnation resolution authorized to acquire, is described as follows:

HIGHWAY PROJECT NO. I-80-2(3)79
PAGE 3

Beginning at a point approximately 465 ft. north and 75 ft. west from the center of said Section 35, said point being 105.0 ft. radially distant northwesterly from the center line of said west bound lane at Engineer Station 5202+63.7; thence N. 53°46'30" W. 171.68 ft.; thence North westerly, Westerly and Southwesterly 411 ft., more or less, along the arc of a 395.14-foot radius curve to the left, to a point 75.0 ft. perpendicularly distant southeasterly from the "L" Line of said project at Engineer Station 9+70.14; thence S. 67°28'48" W. 786.44 ft. to a point 25.0 ft. perpendicularly distant northeasterly from the center line of said west bound lane; thence Northeasterly 1426 ft., more or less, along the arc of a 25,141.61-foot radius curve to the left to the point of beginning. (Note: Tangent to said curve at its point of beginning bears approximately N. 40°45' E.). The above described parcel of land contains 54.98 acres, more or less.

Together with any and all rights or easements appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said freeway, including, without limiting the foregoing, all rights of ingress to or egress from said remaining portion, contiguous to the lands hereby conveyed, to or from said freeway.

Parcel No. 80-2:27:E

A construction easement upon part of an entire tract of property in the SW1/4NW1/4, NE1/4SW1/4 and Lot 3 of said Section 35, T. 1 S., R. 4 W. S.L.B. & M. in Tooele County, Utah, for the purpose of constructing thereon a drainage facility and appurtenant parts thereof incident to the construction of a freeway known as Project No. 80-2.

Said part of an entire tract is a strip of land 20.0 ft. in width, adjacent to, parallel and concentric with a portion of the southwesterly right of way line of a frontage road for said project. Said portion of the southwesterly right of way line is described as follows:

Beginning at a point approximately 1045 ft. west and 635 south from the center of said Section 35, said point being 25.0 ft. radially distant southwesterly from the center line of said frontage road at Engineer Station 129+50.0; thence Northerly and Northwesterly 78.15 ft. along the arc of a 125.0-foot radius curve to the left (Note: Tangent to said curve at its point of beginning bears approximately N. 7°56' E.); thence N. 21°56'00" W. 1035.55 ft. The above described easement contains 0.50 acre, more or less.

Prepared by KES 11/04/68

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

FIRST AMENDMENT TO CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. I-80-3(39)125
Mouth of Parleys Canyon - West of Mtn. Dell Interchange

WHEREAS, the Utah Department of Transportation, hereinafter referred to as the Department, by Resolution found and declared that Public interest and necessity required the acquisition, construction and completion as a public improvement, by the State of Utah acting through the Department, of that portion of a State Highway identified as Highway Project No. I-80-3(39)125 in the County of Salt Lake, State of Utah; that said public improvement was planned and located in a manner most compatible with the greatest public good and the least private injury, as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953 as amended, and has been designated as a limited-access facility as provided by Title 27, Chapter 12, Section 114, Utah Code Annotated 1953 as amended, and (portion underlined is used for controlled facilities)

WHEREAS, the Attorney General of Utah was requested through a certified copy of a resolution adopted by the Department and approved by the Executive Director of Highways for said Department of the 24th day of December, 1968, to acquire in the name of the Department certain described real property or interest in real property by condemnation in accordance with the Statutes and the Constitution of Utah relating to eminent domain, and to make application in the court having jurisdiction for an order permitting the said Department to take immediate possession of the identified parcels of real property or interest therein for highway purposes, reference being made to said Resolution for descriptions of said parcels, and

WHEREAS, it is now declared by the Department that the said condemnation resolution heretofore mentioned of the 24th day of December, 1968, be amended to permit the deletion of Parcel No. 80-3:9:E and the addition of Parcels No. 80-3:9B:A and 80-3:9B:ST in said Resolution,

NOW THEREFORE BE IT RESOLVED by said Department that the Attorney General of Utah be advised of said deletion and addition to said certified copy of said condemnation Resolution approved on the 24th day of December, 1968, and that otherwise said Resolution remain in full force and effect:

The deletion and addition which said Department is by this First Amendment to the condemnation resolution authorized to acquire, is described as follows:

HIGHWAY PROJECT NO. I-80-3(39)125

PAGE 2

RECORDED OWNER: J. Henry Ehlers and Nellie J. Ehlers, his wife
 ADDRESS: 1018 Wilson Avenue, Salt Lake City, Utah
 LIEN HOLDER: None of Record
 APPROVED APPRAISAL: \$
 Less \$ deposited with the court on
 Order of Immediate Occupancy February 5, 1969, on Parcels No. 9:A and 9:E
 Balance: \$

Parcel No. 80-3:9B:A

A parcel of land in fee for a freeway known as Project No. 80-3, being part of an entire tract of property, in the SE1/4SE1/4 of Section 8 and the SW1/4SW1/4 of Section 9, both in T. 1 S., R. 2 E., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning in the easterly boundary line of said entire tract at a point 160 ft. perpendicularly distant southerly from the center line of said project, said point also being approximately 500 ft. east and 457 ft. north from the Southwest corner of said Section 9; thence S. 83°32' W. 23.50 ft. to a point 160.0 ft. perpendicularly distant southerly from said center line at Engineer Station 518+62.50; thence Westerly 281.06 ft. along the arc of a spiral to the left which is concentric with and 160.0 ft. radially distant from a 300-foot ten-chord spiral for a 4°30' curve to a point 160.0 ft. radially distant southerly from said center line at Engineer Station 515+62.50; thence S. 64°35' W. 253.53 ft. to a point 185.0 ft. radially distant southerly from said center line at Engineer Station 512+70.00; thence S. 9°47' W. 74.61 ft. to a point 40.0 ft. perpendicularly distant northerly from the "K" Line of said project at Engineer Station 20+89.92; thence N. 87°35' E. 134.20 ft. to a point 30.0 ft. perpendicularly distant northerly from said "K" Line at Engineer Station 22+12.21; thence S. 86°36'03" E. 64.92 ft. to a point of tangency with a 320.0-foot radius curve to the left; thence Northeasterly 167.20 ft. along the arc of said curve to a point 30.0 ft. radially distant northwesterly from said "K" Line at Engineer Station 24+60; thence N. 52°43' E. 229 ft., more or less, to the easterly boundary line of said entire tract to a point 45 ft. radially distant northwesterly from said "K" Line of survey extended; thence Northerly 54 ft. along said easterly boundary line to the point of beginning. The above described parcel of land contains 1.54 acres, more or less.

Parcel No. 80-3:9B:ST

A tract of land situate in the SE1/4SE1/4 of Section 8 and in the SW1/4SW1/4 of Section 9, all in T. 1 S., R. 2 E., S.L.B. & M. The boundaries of said tract of land are described as follows:

Beginning at the Southwest corner of said Section 9; thence East 500.0 ft. along the south line of said Section 9; thence North 230 ft. to a southerly right of way line of a freeway known as Project No. 80-3; thence S. 55°37'32" W. 145 ft along said southerly right of way line to a point 110.0 ft radially distant southerly from the "K" Line of survey of said freeway at Engineer Station 24+60; thence S. 72°59' W. 110.95 ft.; thence N. 83°31' W. 240.35 ft.; thence S. 60°54' W. 268.65 ft.; thence S. 31°25'01" W. 2 ft. to the south line of said Section 8; thence N. 89°38' E. 200.5 ft. along said south line to the point of beginning. The above described tract of land contains 1.98 acres, more or less.

Prepared by WCS 3/23/69

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

FIRST AMENDMENT TO CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. US-0132(2)
5300 South, 700 West to State Street
(I-15 to State Street Section)

WHEREAS, the Utah Department of Transportation, hereinafter referred to as the Department, by Resolution found and declared that Public interest and necessity required the acquisition, construction and completion as a public improvement, by the State of Utah acting through the Department, of that portion of a State Highway identified as Highway Project No. US-0132(2) in the County of Salt Lake, State of Utah; that said public improvement was planned and located in a manner most compatible with the greatest public good and the least private injury, as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953, as amended, and

WHEREAS, the Attorney General of Utah was requested through a certified copy of a resolution adopted by the Department and approved by the Executive Director of Highways for said Department of the 5th day of August, 1971, to acquire in the name of the Department certain described real property or interest in real property by condemnation in accordance with the Statutes and the Constitution of Utah relating to eminent domain, and to make application in the court having jurisdiction for an order permitting the said Department to take immediate possession of the identified parcels of real property or interest therein for highway purposes, reference being made to said Resolution for descriptions of said parcels, and

WHEREAS, it is now declared by the Department that the said condemnation resolution heretofore mentioned of the 5th day of August, 1971, be amended to permit the revision of the approved appraisal by reducing the Original Resolution amount of \$ to the lesser amount of \$.

NOW THEREFORE BE IT RESOLVED by said Department that the Attorney General of Utah be advised of said reduction in appraisal value to said certified copy of said condemnation Resolution approved on the 5th day of August, 1971, and that otherwise said Resolution remain in full force and effect:

FIRST AMENDMENT TO CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. I-215-9(6)297
I-15 to I-15 Near Cudahy Lane (SW. Belt Route)

WHEREAS, the Utah Department of Transportation, hereinafter referred to as the Department, by Resolution found and declared that Public interest and necessity required the acquisition, construction and completion as a public improvement, by the State of Utah acting through the Department, of that portion of a State Highway identified as Highway Project No. I-215-9(6)297 in the County of Salt Lake, State of Utah; that said public improvement was planned and located in a manner most compatible with the greatest public good and the least private injury, as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953, as amended, and has been designated as a limited-access facility as provided by Title 27, Chapter 12, Section 114, Utah Code Annotated 1953 as amended, and (portion underlined is used for controlled facilities)

WHEREAS, the Attorney General of Utah was requested through a certified copy of a resolution adopted by the Department and approved by the Executive Director of Highways for said Department on the 22nd day of June, 1972, to acquire in the name of the Department certain described real property or interest in real property by condemnation in accordance with the Statutes and the Constitution of Utah relating to eminent domain, and to make application in the court having jurisdiction for an order permitting the said Department to take immediate possession of the identified parcels of real property or interest therein for highway purposes, reference being made to said Resolution for descriptions of said parcels, and

WHEREAS, it is now declared by the Department that the said Condemnation Resolution heretofore mentioned of the 22nd day of June, 1972, be amended to permit the addition of two parties in interest identified as Security Title Company (Trustee) and Sun Tide Corporation (Beneficiary) in said Resolution.

NOW THEREFORE BE IT RESOLVED by said Department that the Attorney General of Utah be advised of said addition of said Parties in interest to said certified copy of said Resolution approved on the 22nd day of June, 1972, and that otherwise said Resolution remain in full force and effect:

The addition of said Parties in interest which said Department is by this First Amendment to the condemnation resolution authorized to enjoin, is described as follows:

HIGHWAY PROJECT NO. I-215-9(6)297
PAGE 2

RECORDED OWNER:	Richard Ringwood and Patricia Ringwood, his wife
ADDRESS:	1488 Harvard Avenue, Salt Lake City, Utah
TRUSTEE:	Security Title Company None of Record
ADDRESS:	330 East 400 South, Salt Lake City, Utah
PARTY IN INTEREST	Sun Tide Corporation, A Texas Corporation (Beneficiary)
ADDRESS:	P.O. Box 9259, Fort Worth, Texas, 76107
LIEN HOLDER	None of record
APPROVED APPRAISAL	\$

Parcel No. 215-9:43F:A

A parcel of land in fee for a freeway known as Project No. 215-9, being part of an entire tract of property, in the SE1/4NE1/4 of Section 9, T. 1 S., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the Southeast corner of said entire tract, which point is 220.91 ft. west from the East Quarter corner of said Section 9; and running thence West 9.99 ft. along the south boundary line of said entire tract to a point which is 160.01 ft. perpendicularly distant westerly from the center line of said project at Engineer Station 566+47.37; thence N. 40°55' W. 42.47 ft.; thence N. 3°00'30" E. 988.59 ft. to the east boundary line of said entire tract; thence South 853.51 ft. along said east boundary line to the north corner of land now owned by the Utah Department of Transportation; thence S. 3°58' W. 114.05 ft. along the west boundary line of said land to a point which is 150.00 ft. perpendicularly distant westerly from the center line of said project at Engineer Station 567+00.00; thence S. 3°00'30" W. 52.14 ft. along said west boundary line of land now owned by the Utah Department of Transportation to the point of beginning. The above described parcel of land contains 0.55 acre, more or less.

Together with any and all rights appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said freeway, including, without limiting the foregoing, all rights of ingress to or egress from said remaining portion, contiguous to the lands hereby conveyed, to or from said freeway.

Together with any and all abutters rights of underlying fee to the center of Existing rights of way appurtenant to this conveyance.

Parcel No. 215-9:43F:E

An easement upon part of an entire tract of property in the SE1/4NE1/4 of Section 9, T. 1 S., R. 1 W., S.L.B. & M., in Salt Lake County, Utah for the purpose of constructing thereon a drainage facility and appurtenant parts thereof incident to the construction of a freeway known as Project No. 215-9.

Said part of an entire tract is a strip of land 50 ft. wide, adjoining westerly the following described portion of the westerly no-access line of said project:

Beginning at the Northeast corner of said entire tract, which point is 211.0 ft. west and 1254 ft. north from the East Quarter corner of said Section 9; thence South 200 ft. along the east boundary line of said entire tract. The above described strip of land contains 0.23 acre, more or less.

After said drainage facility is constructed on the above described part of an entire tract at the expense of said Department, said Department is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said drainage facility and appurtenant parts thereof.

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

FIRST AMENDMENT TO CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. I-215-9(6)297
I-15 to I-15 Near Cudahy Lane (SW. Belt Route)

WHEREAS, the Utah Department of Transportation, hereinafter referred to as the Department, by Resolution found and declared that Public interest and necessity required the acquisition, construction and completion as a public improvement, by the State of Utah acting through the Department, of that portion of a State Highway identified as Highway Project No. I-215-9(6)297 in the County of Salt Lake, State of Utah; that said public improvement was planned and located in a manner most compatible with the greatest public good and the least private injury, as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953, as amended, and has been designated as a limited-access facility as provided by Title 27, Chapter 12, Section 114, Utah Code Annotated 1953 as amended, and (portion underlined is used for controlled facilities)

WHEREAS, the Attorney General of Utah was requested through a certified copy of a resolution adopted by the Department and approved by the Executive Director of Highways for said Department on the 6th day of July, 1972, to acquire in the name of the Department certain described real property or interest in real property by condemnation in accordance with the Statutes and the Constitution of Utah relating to eminent domain, and to make application in the court having jurisdiction for an order permitting the said Department to take immediate possession of the identified parcels of real property or interest therein for highway purposes, reference being made to said Resolution for descriptions of said parcels, and

WHEREAS, it is now declared by the Department that the said Condemnation Resolution heretofore mentioned of the 6th day of July, 1972, be amended to permit the addition of Parties In Interest identified as Commercial Credit Plan Incorporated (Lessee); Mel-Tone Music Incorporated (Lessee); Bonanza Lounge Incorporated, (Lessee) in said Resolution,

NOW THEREFORE BE IT RESOLVED by said Department that the Attorney General of Utah be advised of said addition of said Parties In interest to said certified copy of said Resolution approved on the 6th day of July, 1972, and that otherwise said Resolution remain in full force and effect:

The addition of said Parties In Interest which said Department is by this First Amendment to the condemnation resolution authorized to enjoin, is described as follows:

HIGHWAY PROJECT NO. I-215-9(6)297
PAGE 2

RECORDED OWNER:	J. Morris Parrish and Beth B. Parrish, his wife
ADDRESS:	875 Thvee Fountains Drive, Salt Lake City, Utah
CONTRACT PURCHASER:	Sherman G. Kay and Patsy A. Kay, his wife
	dba Newport Enterprises, a Utah Corporation
ADDRESS:	3166 South 1885 East, Salt Lake City, Utah
LESSEE:	Gilbert E. Martinez and Precilla L. Martinez, his wife
	dba Granger Music Company
ADDRESS:	4239 South 2200 West, Salt Lake City, Utah
PARTY IN INTEREST:	Small Business Administration, an Agency of the United States Government
ADDRESS:	125 South State Street, Salt Lake City, Utah
LESSEE:	Commercial Credit Plan Incorporated
ADDRESS:	c/o D.L. Smith, 3481 South 2700 West, Granger, Utah
LESSEE:	Mel-Tone Music Incorporated
ADDRESS:	c/o Thereon DeMers, 1211 West 8th North, Salt Lake City, Utah
LESSEE:	Bonanza Lounge Incorporated
ADDRESS:	c/o Sherm Kay, 3166 South 1885 East, Salt Lake City, Utah
APPROVED APPRAISAL:	\$

Parcel No. 215-9:56K:A

A parcel of land in fee for the 3500 South Street connection incident to the construction of a freeway known as Project No. 215-9, being part of an entire tract of property, in the SW1/4SE1/4 of Section 28, T. 1 S., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the Southwest corner of said entire tract, which point is 33 ft. east and 33 ft. north from the Southwest corner of the SE1/4 of said Section 28; thence North 192 ft. along the west boundary line of said entire tract to a Northwest corner of said entire tract; thence East 17 ft., more or less, to a Northwest inside corner of said entire tract; thence North 13.52 ft. to a Northwest corner of said entire tract; thence East 10 ft., more or less, along the north boundary line of said entire tract to a point which is 60.0 ft. perpendicularly distant easterly from the center line of 2700 West Street; thence South 58.52 ft. to a point of tangency with a 90.00-foot radius curve to the left, said point designated as Point "A"; thence Southeasterly 107 ft., more or less, along the arc of said curve to the east boundary line of said entire tract to a point designated as Point "B"; thence South 64 ft., more or less, to the Southeast corner of said entire tract; thence West 83 ft. to the point of beginning. The above described parcel of land contains 0.23 acre, more or less.

Together with any and all rights or easements appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said highways, including without limiting the foregoing, all rights of ingress to or egress from said remaining portion contiguous to the lands hereby conveyed, to or from said 3500 South Street and 2700 West Street between designated Point "A" and Point "B".

Together with any and all abutters rights of underlying fee to the center of existing rights of way appurtenant to this conveyance.

Prepared by WCS 6/23/72

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

FIRST AMENDMENT TO CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. I-15-7(21)320
Farmington Jct. to South Layton

WHEREAS, the Utah Department of Transportation, hereinafter referred to as the Department, by Resolution found and declared that Public interest and necessity required the acquisition, construction and completion as a public improvement, by the State of Utah acting through the Department, of that portion of a State Highway identified as Highway Project No. I-15-7(21)320 in the County of Davis, State of Utah; that said public improvement was planned and located in a manner most compatible with the greatest public good and the least private injury, as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953, as amended, and has been designated as a limited-access facility as provided by Title 27, Chapter 12, Section 114, Utah Code Annotated 1953 as amended, and (portion underlined is used for controlled facilities)

WHEREAS, the Attorney General of Utah was requested through a certified copy of a resolution adopted by the Department and approved by the Executive Director of Highways for said Department on the 1st day of December, 1972, to acquire in the name of the Department certain described real property or interest in real property by condemnation in accordance with the Statutes and the Constitution of Utah relating to eminent domain, and to make application in the court having jurisdiction for an order permitting the said Department to take immediate possession of the identified parcels of real property or interest therein for highway purposes, reference being made to said Resolution for descriptions of said parcels, and

WHEREAS, it is now declared by the Department that the said Condemnation Resolution heretofore mentioned of the 1st day of December, 1972, be amended to permit a revision and a change in interest being acquired in a parcel identified as Parcel No. 15-7:48:E from a perpetual easement to a fee take and to change the Identification Number of said parcel from 15-7:48:E to 15-7:48:2 in said Resolution.

NOW THEREFORE BE IT RESOLVED by said Department that the Attorney General of Utah be advised of said revision and change in interest and Identification Number to said certified copy of said Condemnation Resolution approved on the 1st day of December, 1972, and that otherwise said Resolution remain in full force and effect:

The real property or interests in read property which said Department is by this First Amendment to the Condemnation Resolution authorized to acquire, is described as follows:

HIGHWAY PROJECT NO. I-15-7(21)320
PAGE 2

RECORDED OWNER: Lloyd H. Barnes and Eulalia B. Barnes, his wife
ADDRESS: 343 South Flint Street, Kaysville, Utah
LESSEE: Charles S. Woodward
ADDRESS: 1028 South 1000 East, Salt Lake City, Utah
LIEN HOLDER None of Record
NEW APPROVED APPRAISAL: \$

Parcel No. 15-7:45:2

A parcel of land in fee for an access road incident the construction of a freeway known as Project No. 15-7, being part of an entire tract of property, in the NE1/4 of Section 33, T. 4 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning in the northeasterly right of way line of the Union Pacific Railroad at a point 70.0 ft. perpendicularly distant northerly from the center line for the widening of 200 North Street (Cherry Street) of said project, which point is 13 ft. north and 775 ft. west from the East Quarter corner of said Section 33 as surveyed by the Davis County Surveyor; and running thence S. 88°37'30" E. 44 ft., more or less, to a point 40.0 ft. perpendicularly distant northeasterly from said northeasterly right of way line; thence Northerly 399 ft., more or less, along a line parallel with the center line of said railroad to a northwesterly boundary line of said entire tract; thence Southwesterly 43 ft., more or less, along said northwesterly boundary line; thence Southeasterly 367 ft., more or less, to the point of beginning. The above described parcel of land contains 0.35 acre, more or less.

(Note: Davis County Survey bearing of the east line of the NE1/4 of said Section 33 is rotated 0°20'57" clockwise to match Highway Survey bearing. All bearings and distances in the above description are based on the Utah State Plane Coordinate System modified.)

Prepared by ABC 1/17/73

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

FIRST AMENDMENT TO CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. F-028-1(5)
I-15 To Moark Junction

WHEREAS, the Utah Department of Transportation, hereinafter referred to as the Department, by Resolution found and declared that Public interest and necessity required the acquisition, construction and completion as a public improvement, by the State of Utah acting through the Department, of that portion of a State Highway identified as Highway Project No. F-028-1(5) in the County of Utah, State of Utah; that said public improvement was planned and located in a manner most compatible with the greatest public good and the least private injury, as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953, as amended, and has been designated as a limited-access facility as provided by Title 27, Chapter 12, Section 114, Utah Code Annotated 1953 as amended, and (portion underlined is used for controlled facilities)

WHEREAS, the Attorney General of Utah was requested through a certified copy of a resolution adopted by the Department and approved by the Executive Director of Highways for said Department on the 29th day of February, 1972, to acquire in the name of the Department certain described real property or interest in real property by condemnation in accordance with the Statutes and the Constitution of Utah relating to eminent domain, and to make application in the court having jurisdiction for an order permitting the said Department to take immediate possession of the identified parcels of real property or interest therein for highway purposes, reference being made to said Resolution for descriptions of said parcels, and

WHEREAS, it is now declared by the Department that the said Condemnation Resolution heretofore mentioned of the 29th day of February, 1972, be amended to permit a change in the interest being acquired in a parcel identified as Parcel No. 028-1:1:1P from a fee take to a perpetual easement and to change the Identification Number of said parcel from 028-1:1:1P to 028-1:1P:E in said Resolution.

NOW THEREFORE BE IT RESOLVED by said Department that the Attorney General of Utah be advised of said change in interest and Identification Number to said certified copy of said Condemnation Resolution approved on the 29th day of February, 1972, and that otherwise said Resolution remain in full force and effect:

HIGHWAY PROJECT NO. F-028-1(5)

PAGE 2

RECORDED OWNER: Fred G. White, trustee for Grant W. White Family
ADDRESS: 1174 East 930 North, Provo, Utah
LIEN HOLDER: None of Record

Parcel No. 028-1:1P:E

A perpetual easement, upon part of an entire tract of property in Lot 2 and the NW1/4SW1/4 of Section 18, T. 8 S., R. 3 E, S.L.B. & M., in Utah County, Utah, for the purpose of constructing thereon a drainage facility and appurtenant parts thereof incident to the construction of a freeway known as Project NO. 028-1. The boundaries of said part of an entire tract are described as follows:

Said part of an entire tract is a strip of land 40.0 ft. wide and adjoining easterly and southeasterly the following described portion of the existing easterly and southeasterly right of way and no-access line of a freeway known as Project No. I-15-6(32)254 and is bounded on the south by the north right of way line of 9th North Street in Spanish Fork and bounded on the north by the north boundary line of said entire tract.

Beginning at the intersection of said existing easterly and southeasterly right of way and no-access line and said north right of way line of 9th North Street at a point approximately 282 ft. south and 92 ft. east from the West Quarter corner of said Section 18; thence Northerly and Northeasterly 1347 ft., more or less, along said existing easterly and southeasterly right of way and no-access line to said north boundary line. The above described parcel of land contains 1.23 acre, more or less.

After said drainage facility is constructed on the above described part of an entire tract at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said facility and appurtenant parts thereof, and said Spanish Fork City will assume all maintenance responsibilities for said drainage facility and said appurtenant parts thereof.

Prepared by ABC 3/27/72

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

FIRST AMENDMENT TO CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. I-80-4(31)141
Kimball Jct. to Silver Creek Jct.

WHEREAS, the Utah Department of Transportation, hereinafter referred to as the Department, by Resolution found and declared that Public interest and necessity required the acquisition, construction and completion as a public improvement, by the State of Utah acting through the Department, of that portion of a State Highway identified as Highway Project No. I-80-4(31)141 in the County of Summit, State of Utah; that said public improvement was planned and located in a manner most compatible with the greatest public good and the least private injury, as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953, as amended, and has been designated as a limited-access facility as provided by Title 27, Chapter 12, Section 114, Utah Code Annotated 1953 as amended, and (portion underlined is used for controlled facilities)

WHEREAS, the Attorney General of Utah was requested through a certified copy of a resolution adopted by the Department and approved by the Executive Director of Highways for said Department on the 24th day of January, 1972, to acquire in the name of the Department certain described real property or interest in real property by condemnation in accordance with the Statutes and the Constitution of Utah relating to eminent domain, and to make application in the court having jurisdiction for an order permitting the said Department to take immediate possession of the identified parcels of real property or interest therein for highway purposes, reference being made to said Resolution for descriptions of said parcels, and

WHEREAS, it is now declared by the Department that the said Condemnation Resolution heretofore mentioned of the 24th day of January, 1972, be amended to permit a change in recorded owner and interest being acquired in a parcel identified as Parcel No. 15-7:41:A from a controlled access partial take to a total take and to change the identification number of said parcel from 80-4:41:A to 80-4:41:T in said Resolution.

NOW THEREFORE BE IT RESOLVED by said Department that the Attorney General of Utah be advised of said changes to said certified copy of said Condemnation Resolution approved on the 24th day of January, 1972, and that otherwise said Resolution remain in full force and effect:

The real property or interests in read property described in said Parcel No. 80-4:41:T which said Department is by this First Amendment to the Condemnation Resolution authorized to acquire, is described as follows:

HIGHWAY PROJECT NO. I 80-4(31)141
PAGE 2

RECORDED OWNER:	Allan J. Lewis, a single man
ADDRESS:	1200 North Nash Street, Arlington Virginia
LIEN HOLDER	None of Record
APPROVED APPRAISAL	\$

Parcel No. 80-4:41:T

A tract of land in fee, being all of an entire tract of property, situate in Block 9, Unit "I", Silver Creek Estates and in the NW1/4SE1/4 of Section 16, T. 1 S., R. 4 E, S.L.B. & M. The boundaries of said tract of land are described as follows:

Beginning at a point on the westerly right of way line of Silver Creek Road, at a point 713.04 ft. S. 89°40'36" E. and 158.40 ft. Southerly along said westerly right of way line of Silver Creek Road from the Northwest corner of said Block 9, said point is 5.78 ft. radially distant westerly from the "M" Line of said project at Engineer Station 978+06.00; and running thence S. 72°53' W. 19.22 ft.; thence Southerly 47 ft., more or less, to the Southwest corner of said entire tract, said point is 25.0 ft. radially distant westerly from said "M" Line; thence Northeasterly 21 ft., more or less, along the southerly boundary line of said entire tract to a point on said existing right of way line, thence Northerly 42 ft., more or less, along the said westerly right of way line of Silver Creek Road to the point of beginning. The above described tract of land contains 0.02 acre, more or less.

Prepared by ABC 4/26/72

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

FIRST AMENDMENT TO CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. NS-560(1)
20th Street, I-15 to Wall Ave.

WHEREAS, the Utah Department of Transportation, hereinafter referred to as the Department, by Resolution found and declared that Public interest and necessity required the acquisition, construction and completion as a public improvement, by the State of Utah acting through the Department, of that portion of a State Highway identified as Highway Project No. NS-560(1) in the County of Weber, State of Utah; that said public improvement was planned and located in a manner most compatible with the greatest public good and the least private injury, as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953, as amended, and has been designated as a limited-access facility as provided by Title 27, Chapter 12, Section 114, Utah Code Annotated 1953 as amended, and (portion underlined is used for controlled facilities)

WHEREAS, the Attorney General of Utah was requested through a certified copy of a resolution adopted by the Department and approved by the Executive Director of Highways for said Department on the 29th day of June, 1972, to acquire in the name of the Department certain described real property or interest in real property by condemnation in accordance with the Statutes and the Constitution of Utah relating to eminent domain, and to make application in the court having jurisdiction for an order permitting the said Department to take immediate possession of the identified parcels of real property or interest therein for highway purposes, reference being made to said Resolution for descriptions of said parcels, and

WHEREAS, an error has been noted in the beginning point of the parcel description provided in said Condemnation Resolution, and

WHEREAS, it is now declared by the Department that the said Condemnation Resolution heretofore mentioned of the 29th day of June, 1972, be amended to permit the correction of the beginning point of said parcel description in said Resolution.

NOW THEREFORE BE IT RESOLVED by said Department that the Attorney General of Utah be advised of said beginning point correction to said certified copy of said Condemnation Resolution approved on the 29th day of June, 1972, and that otherwise said Resolution remain in full force and effect:

The real property or interests in read property which said Department is by this First Amendment to the Condemnation Resolution authorized to acquire, is described as follows:

HIGHWAY PROJECT NO. NS-560(1)
PAGE 2

RECORDED OWNER:	The American Oil Company
ADDRESS:	10 West 3rd South St. Salt Lake City, Utah
LIEN HOLDER	None of Record
APPROVED APPRAISAL	\$

Parcel No. 560:36:A

A parcel of land in fee for an expressway known as Project No. 560, being part of an entire tract of property, situate in Lots 8 and 9 of Block 7, 5 Acre Plat "A" of Ogden City Survey in the NE1/4NW1/4 of Section 29, T. 6 N., R. 1 W, S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at a point 23 ft. west of the intersection of the east line of said Lot 9 and the south right of way line of 20th Street; thence South 67.27 ft.; thence N. 84°47'33" E. 155.95 ft. to the westerly right of way line of the Union Pacific Railroad; thence Northwesterly 63.28 ft. along said railroad right of way line to the southerly right of way line of 20th Street; thence West 115.76 ft. along said southerly right of way line of 20th Street to the point of beginning. The above described parcel of land contains 0.185 acre.

Together with any and all rights or easements appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said expressway, including without limiting the foregoing, all rights of ingress to or egress from said remaining portion contiguous to the lands hereby conveyed, to or from said expressway.

Prepared by ABC 4/26/72

Revised by ABC 12/4/72

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

FIRST AMENDMENT TO CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. T-1001(11)
5900 South, 800 East to 900 East

WHEREAS, the Utah Department of Transportation, hereinafter referred to as the Department, by Resolution found and declared that public interest and necessity required the acquisition, construction and completion by Murray City and the State of Utah acting through the Department, of a public improvement, namely a city street identified as Highway Project No. T-1001 in the County of Salt Lake, State of Utah; that said public improvement was planned and located in a manner most compatible with the greatest public good and the least private injury as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953, as amended, and Title 78, Chapter 34, Section 1, Utah Code Annotated 1953 as amended, and

WHEREAS, the Attorney General of Utah was requested through a certified copy of a resolution adopted by the Department and approved by the Executive Director of Highways for said Department on the 25th day of July, 1972, to acquire in the name of Murray City certain described real property or interest in real property by condemnation in accordance with the Statutes and the Constitution of Utah relating to eminent domain, and to make application in the court having jurisdiction for an order permitting the said Department to take immediate possession of the identified parcels of real property or interest therein for highway purposes, reference being made to said Resolution for descriptions of said parcels, and

WHEREAS, it is now declared by the Department that the said Condemnation Resolution heretofore mentioned of the 25th day of July, 1972, be amended to permit the deletion of the third bearing and distance (to wit: "and 92.4 ft. north") for the starting point of the easement, Parcel No. 1001:3:E in said Resolution, and to permit the addition of an easement for driveway construction purposes identified as Parcel No. 1001:3:1E.

NOW THEREFORE BE IT RESOLVED by said Department that the Attorney General of Utah be advised of said deletion and addition to said certified copy of said Condemnation Resolution approved on the 25th day of July, 1972, and that otherwise said Resolution remain in full force and effect:

The additional easement which said Department is by this First Amendment to the Condemnation Resolution authorized to acquire, is described as follows:

HIGHWAY PROJECT NO. T-1001(11)
PAGE 2

RECORDED OWNER: Arthur A. Anderson, a single man
ADDRESS: 891 East 5900 South, Salt Lake City, Utah
LIEN HOLDER None of Record
Amount deposited with court at time
Order of Occupancy was granted: \$

Parcel No. 1001:3:1E

A temporary construction easement, upon part of an entire tract of property in the SE1/4SE1/4 of Section 17, T. 2 S., R. 1 E, S.L.B. & M., in Salt Lake County, Utah, for the purpose of constructing thereon a private driveway and appurtenances, including fill material and grading, incident to the construction of a highway known as Project NO. T-1001(11).

Said part of an entire tract is a parcel of land adjoining the northerly line of the Slope Easement, Parcel No. 1001:3:E, the boundaries of which are described as follows:

Beginning at a point on the northerly line of a slope easement 80.0 ft. perpendicularly distant northerly from Engineer Station 15+40.00, said beginning point is 1190.03 ft. east, 1245.70 ft. north and 80.39 ft. N. 75°49'00" E. from the Southwest corner of said Section 17; thence N. 75°49'00" W. 40 ft.; thence S. 14°11'00" E. 50.0 ft.; thence N. 75°49'00" E. 20.0 ft. to the point of beginning. The above described part of an entire tract contains 0.046 acre, more or less.

This easement shall expire upon the completion of the construction of said project or 3 years after the date of the execution of the within instrument, whichever first occurs.

Prepared by ABC 3/27/72

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

FIRST AMENDMENT TO CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. T-1001(3)
100 South and University Avenue

WHEREAS, the Utah Department of Transportation, hereinafter referred to as the Department, by Resolution found and declared that public interest and necessity required the acquisition, construction and completion of a public improvement, by Salt Lake City and the State of Utah acting through the Department, of a that portion of a city street identified as Highway Project No. T-1001(3) in the County of Salt Lake, State of Utah; that said public improvement was planned and located in a manner most compatible with the greatest public good and the least private injury, as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953, as amended, and Title 78, Chapter 34, Section 1 (3), Utah Code Annotated 1953 as amended.

WHEREAS, the Attorney General of Utah was requested through a certified copy of a resolution adopted by the Department and approved by the Executive Director of Highways for said Department on the 16th day of December, 1971, to acquire in the name of the Department certain described real property or interest in real property by condemnation in accordance with the Statutes and the Constitution of Utah relating to eminent domain, and to make application in the court having jurisdiction for an order permitting the said Department to take immediate possession of the identified parcels of real property or interest therein for highway purposes, reference being made to said Resolution for descriptions of said parcels, and

WHEREAS, it is now declared by the Department that the said Condemnation Resolution heretofore mentioned of the 16th day of December, 1971, be amended to include and acquire in the name of Salt Lake City Parcel Nos. 1001:1 and 1001:1:ST and to include in said aforementioned immediate order of possession the stipulation that said order of possession shall not take effect until after the 7th day of June, 1972 in said Resolution.

NOW THEREFORE BE IT RESOLVED by said Department that the Attorney General of Utah be advised of said inclusion and stipulation to said certified copy of said Condemnation Resolution approved on the 16th day of December, 1971, and that otherwise said Resolution remain in full force and effect:

Prepared by: ABC 3/01/72

10-1195.09

CONDEMNATION - CONTROL OF ACCESS

In some instances the state requires only the taking of full or partial control of access, from a landowner.

Prepare a resolution stating the take is to acquire the landowners rights of access. The full condemnation includes all parties of interest, the approved appraisal, the description, and maps.

See Figures 10-1195.09.1 and 10-1195.09.2

Control of access clauses approved for use in condemnation actions includes the following clause for complete control of access for freeways.

Together with any and all rights appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said freeway, including, without limiting the foregoing, all rights of ingress to or egress from said remaining portion, contiguous to the lands hereby conveyed, to or from said freeway.

Partial control of access clauses for primary or limited-access projects includes the following for expressways.

Together with any and all rights appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said expressway, including without limiting the foregoing, all rights of ingress to or egress from said remaining portion contiguous to the lands hereby conveyed, to or from said expressway. EXCEPTING and reserving to the owners of the abutting lands, their successors or assigns, the right of access to the nearest roadway of said expressway over and across both right of way lines for _____ section, and _____ sections which said section center at points directly opposite Highway Engineer Stations _____ (easterly side), and _____ (both sides), respectively.

When a frontage road is involved with inner through traffic lanes, use the following clause with the proper designation as shown in parenthesis.

Together with any and all rights appurtenant to the remaining portion of said entire tract of property by reason of the location thereof with reference to said (expressway)(freeway), and with all abutters rights of access in and to the inner through traffic lanes of said (expressway)(freeway), PROVIDED, however, that such remaining property shall abut upon and have access to a frontage road which will be connected with said inner through traffic lanes only at such points as may be established by public authority.

10-1195.10

ACQUIRING IMPROVEMENTS

In some instances in a partial taking, a house, barn, garage, or some other type of building that lies on the owners remaining land must be removed.

When this occurs the following demolition clause must be added in the resolution to the fourth paragraph of the second section:

To obtain, from said court, an order permitting said Department to take immediate possession and use of said real property, or interests in said real property, for highway (or other use) or purposes incidental thereto (add) and to further permit the right to enter upon the remaining real property and improvements thereon, to facilitate the demolition and removal of any and all improvements which, by this resolution, the Utah Department of Transportation is authorized to acquire.

**CONDEMNATION RESOLUTION
HIGHWAY PROJECT NO. I-15-8(6)334
Davis County Line - 31st Street in Ogden**

RESOLVED, by the Utah Department of Transportation that it finds and determines and hereby declares, hereinafter referred to as the Department, that:

The public interest and necessity require the acquisition, construction and completion by the State of Utah acting through said Department, as a public improvement, namely a state highway. The public interest and necessity require the acquisition and immediate occupancy, for said public improvement, of the real property, or interests in real property, hereinafter described.

Said proposed state highway is planned and located in a manner which will be most compatible with the greatest public good and the least private injury, and has been heretofore designated and has been designated as a limited-access facility, as provided by Title 27, Chapter 12, Section 96, Utah Code Annotated 1953, as amended.

BE IT FURTHER RESOLVED by said Department that the Attorney General of Utah shall be instructed and requested, on behalf of this Department:

To acquire, in the name of said Department, all direct rights of ingress to and egress from the landowner's real property, over and across a portion of the tract boundary, more particularly described hereinafter by condemnation in accordance with the provisions of the Statutes and of the Constitution of Utah relating to eminent domain;

To prepare and prosecute such proceeding or proceedings in the proper court having jurisdiction thereof as are necessary for such acquisition;

To obtain, from said court, an order permitting said Department to take jurisdiction of said direct rights of ingress to and egress from the landowner's real property, over and across a portion of the tract boundary, more particularly described hereinafter, for highway purposes, or purposes incident thereto.

BE IT FURTHER RESOLVED that the State Finance Director shall be instructed and requested, on behalf of the Department:

To prepare State Warrant in a sum equal to 100% of the approved appraisal for said direct rights of ingress to and egress from the landowner's real property set forth and described herein; payee to be the Clerk of the District Court of the County wherein the real property is located, for the use and benefit of the landowner and/or lien holder as described herein.

The interests in real property, which said Department is by this Resolution authorized to acquire for said public use, is situate in the County of Weber, State of Utah, Highway Project No. I-15-8(6)334, and is described as follows:

HIGHWAY PROJECT NO. I-15-8(6)334

PAGE 2

RECORDED OWNER: Elden H. Knudsen and Arleen M. Knudsen, his wife
ADDRESS: 602 North Street, Ogden, Utah
LIEN HOLDER: None of Record

Parcel No. 15-8:143:A

An acquisition of direct access rights to Riverdale Road, incident to the construction of a highway known as Project I-15-8, from the landowner's real property, over and across a portion of the southerly and southwesterly boundary line of the real property, which said boundary line is also the northerly and northwesterly right of way line of said Riverdale Road. Said portion of the boundary line is located in the NW1/4NE1/4 of Section 13, T. 5 N., R. 2 W., S.L.B. & M. and is more particularly described as follows:

Beginning on said northerly right of way line at a point opposite Engineer Station 52+23.5, which point is 752.40 ft. S. 0°16' E. and 866.7 ft. N. 89°35' E. from the North Quarter corner of said Section 13; thence Easterly 90 ft., more or less, along said southerly boundary line to a point S. 57°36' W from a point 140.0 ft. perpendicularly distant northwesterly from the center line of said project at Engineer Station 54+00.00; thence N. 57°36' E. 93 ft., more or less, to said point opposite Engineer Station 54+00.00; thence N. 72°03' E. 294.7 ft., more or less, to the east line of said NW1/4NE1/4 at a point 100.0 ft. perpendicularly distant northwesterly from said center line.

Prepared by ABC 5/23/68

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

10-1195.11

ADDITIONS, DELETIONS, OR CHANGES BY STIPULATIONS

Often before final full court action the attorneys for the plaintiff and the defendant with the approval of their respective clients arrive at a stipulated settlement.

To assure the proper information (property to be acquired, amount of damages, or access information) a stipulation is prepared stating the information to be included in the final order of condemnation.

The information must clearly state the purpose and use of the stipulation on advice of the Attorney General.

Figures for different types of stipulations include:

- a. To delete a portion of a parcel and to correct a bearing, see Figure 10-1195.11.1
- b. To retain a specific portion of a parcel in the order of occupancy, previously deleted, see Figure 10-1195.11.2
- c. To delete an easement that was on the original condemnation and order of occupancy, but in construction was considered as not being required, see Figure 10-1195.11.3
- d. To stipulate the acquisition of an ":S" parcel, limited distribution summary of right-of-way, descriptions, and right-of-way prints, see Figure 10-1195.11.4
- e. For right-of-way summary, see Figure 10-1195.11.5

(Note: Distribution is limited to the office file, region and project engineers, Chief Right-of-Way Agent, and attorneys, and map to attorneys.)

- f. To stipulate the acquisition of an ":ST" parcel, the distribution is the same as shown in item "d" above, see Figure 10-1195.11.6
- g. For right-of-way summary, see Figure 10-1195.11.7

Figure 10-1195.11.1

**STIPULATION FOR DELETION FROM
IMMEDIATE ORDER OF OCCUPANCY
OF A PORTION OF PARCEL NO. 80N-6:29D:2A
ENTERED IN CONDEMNATION RESOLUTION
FOR PROJECT NO. I-80N-6(7)46
REFERENCE CO*46*29D:A, 29D:2A, 20D:E
AND A CORRECTION OF A BEARING.**

It is requested that the petition for Immediate Occupancy be released by stipulation for a portion of Parcel No. 80N-6:29D:2A entered in Condemnation Resolution of the above reference by the Utah Department of Transportation on the 1st day of August, 1973. That portion of said Parcel No. 80N-6:29D:2A for which Immediate Order of Occupancy is not desired is described as follows:

A parcel of land being part of an entire tract of property in the SW1/4SE1/4 of Section 21, SE1/4SE1/4 of Section 20, and the NE1/4NE1/4 of Section 29, T. 5 N., R. 1 W., S.L.B. & M., and being also a portion of Highway Parcel No. 80N-6:29D:2A in the SE1/4SE1/4 of Section 20 and the NE1/4NE1/4 of Section 29.

Beginning at a point on the easterly side line of Parcel No. 80N-6:29D:2A and referred to as Point "B", which point is 65.0 ft. perpendicularly distant easterly from the center line of a connection road (South Weber Connection Road) of said project at Engineer Station 206+00, said point is also 134.63 ft. north and 88.20 ft. west from the Southeast corner of said Section 20; thence S. 1°37' E. 452.74 ft. to the north right of way line of existing 6600 South Street; thence N. 82°27'20" W. 108.63 ft. to a west property line and the east right of way line of an existing county road; thence N. 1°49'40" E. 306.9 ft. to the north line of said NE1/4NE1/4; thence N. 1°52'25" E. 205 ft. more or less, to an existing east-west fence line; thence Easterly 114 ft., more or less, along said east-west fence to a point on said easterly parcel side line which point is 68 ft. N. 10°03'18" E. from the point of beginning; thence S. 10°03'18" W. 68 ft. to the point of beginning. The above described to be excluded from Immediate Order of Occupancy contains 1.27 acres, more or less, however the appraised value of the above is deposited with the court.

It is also requested that by further stipulation the first bearing of the herein referred Condemnation Resolution and stipulation description be changed from S. 1°37' E. to S. 1°37' W. and so show in all future documents.

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

STIPULATION FOR RETENTION IN THE
IMMEDIATE ORDER OF OCCUPANCY OF
A PORTION OF PARCEL NO. 80N-6:29D:2A
ENTERED IN CONDEMNATION RESOLUTION
FOR PROJECT NO. I-80N-6(7)46 UNDER
REFERENCE CO*46*29D:A, 29D:2A, 20D:E
AND A CORRECTION OF A BEARING.

It is requested that the petition for Immediate Occupancy be retained by stipulation for a portion of Parcel No. 80N-6:29D:2A entered in Condemnation Resolution of the above reference by the Utah Department of Transportation on the 1st day of August, 1973.

The portion of said Parcel No. 80N-6:29D:2A for which Immediate Order of Occupancy is desired is situate in the SW1\4SW1\4 of Section 21, and the SE1\4SE1\4 of Section 20, T. 5 N., R. 1 W., S.L.B. & M., and is described as follows:

Beginning in the west line said SW1\4SW1\4, which point is 800.25 ft. north and 0.66 ft. west from the Southwest corner of said SW1\4SW1\4; thence S. 54°29'35" E. 621.99 ft.; thence Southeasterly 244.78 ft. along the arc of a 11,309.16-foot radius curve to the right to a point which is 78.40 ft. radially distant southwesterly from the center line of an on-ramp (East Bound Ramp) of said project at Engineer Station 32+50 (Note: Tangent to said curve at its point of beginning bears S. 56°03' E.) said point being hereinafter referred to as Point "A"; thence N. 69°19'56" W. 767.49 ft.; thence S. 10°03'18" W. 375 ft., more or less, to an existing east-west fence line; thence Westerly 114 ft., more or less, along said east-west fence to a point in said westerly side line of said Parcel No. 80N-6:29D:2A which point is 698 ft.; S. 1°53'25" W. from a point 110.0 ft. radially distant southwesterly from the center line of said eastbound lane at Engineer Station 138+70.78; thence N. 1°53'25" E. 698 ft. along said westerly side line to said point 110.0 ft. radially distant southwesterly from said last mentioned center line at Engineer Station 138+70.78; thence Southeasterly 131 ft., more or less, along the arc of an 11349.16-foot radius curve to the right to a point which is 110.0 ft. radially distant southwesterly from said center line of the eastbound lane at Engineer Station 140+00 (Note: Tangent to said curve at its point of beginning bears approximately S. 60°13' E.); thence S. 54°29'35" E. 71.11 ft. to the point of beginning. The above described to be retained in the Immediate Order of Occupancy contains 4.21 acres, more or less, however the appraised value of the entire Parcel No. 80N-6:29D:2A is being deposited with the court.

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

DESCRIPTION OF AN EASEMENT TO BE
DELETED BY STIPULATION IN DISTRICT
COURT CONDEMNATION PROCEEDINGS,
STATE OF UTAH VS. CALVIN P STEWART,
ET AL PARCEL NO. 15-4:71:E OF A
FREEWAY KNOWN AS PROJECT NO. I-15-4(3)145
IN MILLARD COUNTY, UTAH

An easement upon part of an entire tract of property in the SW1\4SW1\4 of Section 15, and in the NW4NW1\4 of Section 22, T. 22 S., R. 5 W., S.L.B. & M., in Millard County, Utah, for the purpose of constructing thereon an irrigation facility and appurtenant parts thereof incident to the construction of a freeway known as Project No. 15-4.

Said part of an entire tract is a strip of land 20.0 ft. wide and adjoins westerly and southeasterly the following described portion of the westerly and southeasterly right of way and no-access line of said project.

Beginning in the south boundary line of said entire tract at a point 55.0 ft. perpendicularly distant westerly from the center line of "N" Line, which point is approximately 255 ft. east and 44 ft. south from the Southwest corner of said Section 15; thence N. 15°29' W. 224 ft., more or less, along a line parallel to said center line to a point opposite "N" Line Engineer Station 17+30; thence N. 20°25'18" W. 153.4 ft.; thence S. 59°52'38" W. 153 ft., more or less, to the west line of said Section 15. The above described strip of land contains 0.24 acre, more or less.

ALSO:

A temporary work easement to facilitate the construction of said irrigation facility and appurtenant parts thereof, being upon a strip of land 15.0 ft. wide and adjoining westerly and southeasterly the westerly and southeasterly side lines of the above described part of an entire tract of property. Said strip of land contains 0.17 acre, more or less.

The hereinabove temporary easement shall expire upon the completion of the construction of said construction.

Prepared by ABC 8/29/72

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

DESCRIPTION OF LAND TO BE
STIPULATED IN DISTRICT COURT
CONDEMNATION PROCEEDINGS,
STATE OF UTAH VS. KATHLEEN STIER,
ET AL, PARCEL NO. 15-2:6:S OF A
FREEWAY KNOWN AS PROJECT NO. I-15-2(6)71
IN IRON COUNTY, UTAH

A tract of land in fee being a severed portion of an entire tract of property in the SW1\4NW1\4 of Section 21, T. 34 S., R. 9 W., S.L.B. & M. The boundaries of said tract of land are described as follows:

Beginning at the Southeast corner of said entire tract, which point is 31.75 rods south from the Southeast corner of the NW1\4NW1\4 of said Section 21; thence West 1117 ft. along the southerly boundary line of said entire tract to the southerly right of way and no-access line of a freeway known as Project No. I-15-2(6)71; thence N. 66°40' E. 1216 ft. along said southerly right of way line to the easterly boundary line of said entire tract; thence South 482 ft., more or less, along said easterly boundary line to the point of beginning. The above described tract of land contains 6.23 acres, more or less.

Prepared by ABC 5/01/73

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

Figure 10-1195.11.5

UTAH DEPARTMENT OF TRANSPORTATIONUTAH DEPARTMENT OF TRANSPORTATION

19th SUPPLEMENTAL SUMMARY OF RIGHT OF WAY

Sheet 1 of 1

Location: North Summit to North Paragonah

Project No. I-15-2(6)71

FHWA Approved for Acquisition July 18, 1969

Authority No. 5975

Road Section No. 1 - 11 - 1
Cnty-Route-Reg

Parcel No.	Grantor	Acres	Sq.Ft.	Remarks
15-2:6:S	Kathleen Stier, et al	6.23±		
	(Note: The parcel on this summary replaces Parcel No. 15-2:6:E on the second Partial Summary and is to be entered into Condemnation Proceedings by Stipulation Ref. No. CO*6:A retain Parcel No. 15-2:6:E for participation only)			
	(NOTE: USE METRIC VALUES ON CURRENT PROJECTS)			

DESCRIPTION OF LAND TO BE
STIPULATED IN DISTRICT COURT
CONDEMNATION PROCEEDINGS,
STATE OF UTAH VS. HAROLD A. JOHNSON,
ET AL, PARCEL NO. 0132:84:ST OF A
HIGHWAY KNOWN AS PROJECT NO. US-0132(2)
IN SALT LAKE COUNTY, UTAH

A tract of land in fee being a severed portion of an entire tract of property, in the SW1\4SW1\4 of Section 7, T. 2 S., R. 1 W., S.L.B. & M. The boundaries of said tract of land are described as follows:

Beginning at the Northwest corner of said entire tract, which point is 1025.34 ft. north and 374.17 ft. east and 200.0 ft. N. 0°05' E. from the Southwest corner of said Section 7; thence S. 0°05' W. 65 ft., more or less, to a point of tangency with a 35.0-foot radius curve to the left, said point is 105.6 ft. radially distant northerly from the center line of a highway known as Project No. US-0132(2) at Engineer Station 146+70.1; thence Southerly, Southeasterly and Easterly 55.5 ft. along the arc of said 35.0-foot radius curve to the left, to a point of tangency with a 5799.6-foot radius curve to the right, said point being 70.0 ft. radially distant northerly from said center line at Engineer Station 147+04.5; thence Easterly 16 ft., more or less, along the arc of said 5799.6-foot radius curve to a point on the easterly boundary line of said entire tract (Note: Tangent to said 5799.6-foot radius curve at its point of beginning bears N. 89°25'15" E.); thence N. 0°05' E. 100.91 ft. along said easterly boundary line to the Northeast corner of said entire tract; thence N. 89°55' W. 50.0 ft. to the point of beginning. The above described tract of land contains 0.109 acre, more or less.

Together with any and all abutter's rights of underlying fee to the center of the existing right of way appurtenant to this conveyance.

Prepared by ABC 5/01/73

(NOTE: USE METRIC VALUES IN CURRENT DESCRIPTIONS)

Figure 0-1195.11.7

UTAH DEPARTMENT OF TRANSPORTATIONUTAH DEPARTMENT OF TRANSPORTATION

37th SUPPLEMENTAL SUMMARY OF RIGHT OF WAY

Sheet 1 of 1

Location: 5300 South - 700 West to State Street Project No. US-0132(2)

FHWA Approved for Acquisition January 28, 1970

Authority No. 5483

Road Section No. 18 - 173 - 2

Cnty-Route-Reg

Parcel No.	Grantor	Acres	Sq.Ft.	Remarks
0132:84:ST	Harold A. Johnson, et al	0.109±		
	(Note: The parcel on this summary is to be entered into Condemnation Proceedings by Stipulation Ref. No. CO*0132(2)*84)			
	(NOTE: USE METRIC VALUES ON CURRENT PROJECTS)			

RW-53 (11/94)

Prepared by: S.S.E. 7/14/72

Map Sheet Nos.

Checked by : J.F.V. 5/17/72

Reviewed by: A.B.C. 2/30/95

1195-44

10-1195.12

TRIAL MAPS AND EXHIBITS

Trial maps and exhibits may be required to support the attorney for the state.

The maps are to show the total tract or tracts to include contiguous, conformity of use, or singular economic use tracts.

The maps show all information pertinent to the property that may include:

- a. Roads in existence
- b. Easements
- c. Buildings or other improvements
- d. The area of take as pertinent to the case
- e. The Owners of the property.

Exhibits may include vertical, oblique, or ground photographs with or without overlays or other markings.

In all cases the assistant Attorney General handling the case should be thoroughly consulted.

10-1195.13

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PROJECT ENGINEER (1 set)	1	1
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